
HOUSE BILL 1583

State of Washington 61st Legislature 2009 Regular Session

By Representatives Alexander, Simpson, Angel, Miloscia, Short, and Nelson

Read first time 01/23/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to county auditors; amending RCW 36.17.045,
2 36.17.050, 36.22.010, 36.22.090, 36.22.170, 36.32.210, 36.40.010,
3 36.40.030, 36.40.050, 36.40.130, 36.40.210, 36.96.020, 36.96.090,
4 43.09.280, 28A.330.080, 28A.330.230, and 28A.325.030; reenacting and
5 amending RCW 36.40.040; and repealing RCW 28A.350.010, 28A.350.020,
6 28A.350.030, 28A.350.040, 28A.350.050, 28A.350.060, 28A.350.070,
7 36.18.110, 36.18.120, and 36.18.130.

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

9 **Sec. 1.** RCW 36.17.045 and 1963 c 164 s 3 are each amended to read
10 as follows:

11 Employees of the counties shall have the right to voluntarily
12 authorize the monthly deduction of their pledges to the United Good
13 Neighbor or its successor, monthly payment to a credit (~~unit~~) union
14 as defined in RCW 31.12.005, and monthly dues to a labor union, from
15 their salaries or wages. When such written authorization is received
16 by the county auditor, he or she shall make such monthly deduction.

17 **Sec. 2.** RCW 36.17.050 and 1999 c 71 s 3 are each amended to read
18 as follows:

1 (~~The auditor shall not draw his warrant for the salary of any~~
2 ~~officer until the latter shall have first filed his duplicate receipt~~
3 ~~with the auditor, properly signed by the treasurer, showing he has made~~
4 ~~the last required monthly statement and settlement.)) If the superior
5 court issues a declaratory judgment under RCW 36.16.125 finding that a
6 county officer has abandoned his or her duties, the county officer may
7 not be paid a salary.~~

8 **Sec. 3.** RCW 36.22.010 and 1995 c 194 s 1 are each amended to read
9 as follows:

10 The county auditor:

11 (1) Shall be recorder of deeds and other instruments in writing
12 which by law are to be filed and recorded in and for the county for
13 which he or she is elected;

14 (2) Shall keep an account current with the county treasurer, charge
15 all money received as shown by receipts issued and credit all
16 disbursements paid out according to the record of settlement of the
17 treasurer with the legislative authority;

18 (3) Shall make out and transmit to the state auditor a ~~((complete))~~
19 statement of the state fund account with the county ~~((for the past~~
20 ~~fiscal year certified by his or her certificate and seal, immediately~~
21 ~~after the completion of the annual settlement of the county treasurer~~
22 ~~with the legislative authority)) in accordance with standards developed
23 by the state auditor. The statement must be available to the public;~~

24 (4) Shall make available a complete exhibit of the prior-year
25 finances of the county including, but not limited to, a statement of
26 financial condition and financial operation in accordance with
27 standards developed by the state auditor. This exhibit shall be made
28 available after the financial records are closed for the prior year;

29 (5) Shall make out a register of all warrants legally authorized
30 and directed to be issued by the legislative body at any regular or
31 special meeting. The auditor shall make the data available to the
32 county treasurer. The auditor shall retain the original of the
33 register of warrants for future reference;

34 (6) As clerk of the board of county commissioners, shall:

35 Record all of the proceedings of the legislative authority;

36 Make full entries of all of their resolutions and decisions on all

1 questions concerning the raising of money for and the allowance of
2 accounts against the county;

3 Record the vote of each member on any question upon which there is
4 a division or at the request of any member present;

5 Sign all orders made and warrants issued by order of the
6 legislative authority for the payment of money;

7 Record the reports of the county treasurer of the receipts and
8 disbursements of the county;

9 Preserve and file all accounts acted upon by the legislative
10 authority;

11 Preserve and file all petitions and applications for franchises and
12 record the action of the legislative authority thereon;

13 Record all orders levying taxes;

14 Perform all other duties required by any rule or order of the
15 legislative authority.

16 **Sec. 4.** RCW 36.22.090 and 1975 c 43 s 31 are each amended to read
17 as follows:

18 All warrants for the payment of claims against diking, ditch,
19 drainage and irrigation districts and school districts of the second
20 class, who do not issue their own warrants, as well as political
21 subdivisions within the county for which no other provision is made by
22 law, shall be drawn and issued by the county auditor of the county
23 wherein such subdivision is located, upon ~~((vouchers properly~~
24 ~~approved))~~ proper approval by the governing body thereof.

25 **Sec. 5.** RCW 36.22.170 and 2005 c 442 s 1 are each amended to read
26 as follows:

27 (1)(a) Except as provided in (b) of this subsection, a surcharge of
28 five dollars per instrument shall be charged by the county auditor for
29 each document recorded, which will be in addition to any other charge
30 authorized by law. One dollar of the surcharge shall be ~~((deposited in~~
31 ~~the county general fund to be))~~ used at the discretion of the county
32 commissioners to promote historical preservation or historical
33 programs, which may include preservation of historic documents.

34 (b) A surcharge of two dollars per instrument shall be charged by
35 the county auditor for each document presented for recording by the

1 employment security department, which will be in addition to any other
2 charge authorized by law.

3 (2) Of the remaining revenue generated through the surcharges under
4 subsection (1) of this section:

5 (a) Fifty percent shall be transmitted monthly to the state
6 treasurer who shall distribute such funds to each county treasurer
7 within the state in July of each year in accordance with the formula
8 described in RCW 36.22.190. The county treasurer shall place the funds
9 received in a special account titled the auditor's centennial document
10 preservation and modernization account to be used solely for ongoing
11 preservation of historical documents of all county offices and
12 departments and shall not be added to the county current expense fund;
13 and

14 (b) Fifty percent shall be retained by the county and deposited in
15 the auditor's operation and maintenance fund for ongoing preservation
16 of historical documents of all county offices and departments.

17 (3) The centennial document preservation and modernization account
18 is hereby created in the custody of the state treasurer and shall be
19 classified as a treasury trust account. State distributions from the
20 centennial document preservation and modernization account shall be
21 made without appropriation.

22 **Sec. 6.** RCW 36.32.210 and 2003 c 53 s 204 are each amended to read
23 as follows:

24 (1) Each (~~board of county commissioners~~) elected county official
25 of the several counties of the state of Washington shall, on or before
26 the first Monday of March of each year, file with the auditor of the
27 county a statement (~~verified by oath~~) showing for the twelve_
28 month(~~s~~) period ending December 31st of the preceding year, (~~the~~
29 ~~following~~:

30 ~~(a)~~) a full and complete inventory of all capitalized assets
31 (~~shall be~~) kept in accordance with standards established by the state
32 auditor. (~~This inventory shall be segregated to show the following~~
33 ~~subheads~~:

34 ~~(i) The assets, including equipment, on hand, together with a~~
35 ~~statement of the date when acquired, the amount paid therefor, the~~
36 ~~estimated life thereof and a sufficient description to fully identify~~
37 ~~such property~~;

1 ~~(ii) All equipment of every kind or nature sold or disposed of in~~
2 ~~any manner during such preceding twelve months period, together with~~
3 ~~the name of the purchaser, the amount paid therefor, whether or not the~~
4 ~~same was sold at public or private sale, the reason for such disposal~~
5 ~~and a sufficient description to fully identify the same; and~~

6 ~~(iii) All the equipment purchased during the period, together with~~
7 ~~the date of purchase, the amount paid therefor, whether or not the same~~
8 ~~was bought under competitive bidding, the price paid therefor and the~~
9 ~~probable life thereof, the reason for making the purchase and a~~
10 ~~sufficient description to fully identify such property; and~~

11 ~~(b) The person to whom such money or any part thereof was paid and~~
12 ~~why so paid and the date of such payment.))~~

13 (2) Inventories shall be filed with the county auditor as a public
14 record and shall be open to the inspection of the public.

15 ~~((3) Any county commissioner failing to file such statement or~~
16 ~~willfully making any false or incorrect statement therein or aiding or~~
17 ~~abetting in the making of any false or incorrect statement is guilty of~~
18 ~~a gross misdemeanor.~~

19 ~~(4) It is the duty of the prosecuting attorney of each county to~~
20 ~~within three days from the calling to his or her attention of any~~
21 ~~violation to institute proceedings against such offending official and~~
22 ~~in addition thereto to prosecute appropriate action to remove such~~
23 ~~commissioner from office.~~

24 ~~(5) Any taxpayer of such county is hereby authorized to institute~~
25 ~~the action in conjunction with or independent of the action of the~~
26 ~~prosecuting attorney.))~~

27 **Sec. 7.** RCW 36.40.010 and 1963 c 4 s 36.40.010 are each amended to
28 read as follows:

29 On or before the second Monday in July of each year, the county
30 auditor or chief financial officer designated in a charter county shall
31 notify in writing each county official, elective or appointive, in
32 charge of an office, department, service, or institution of the county,
33 to file with him or her on or before the second Monday in August
34 thereafter detailed and itemized estimates, both of the probable
35 revenues from sources other than taxation, and of all expenditures
36 required by such office, department, service, or institution for the
37 ensuing fiscal year.

1 **Sec. 8.** RCW 36.40.030 and 1995 c 301 s 62 are each amended to read
2 as follows:

3 The estimates required in RCW 36.40.010 and 36.40.020 shall be
4 submitted on forms provided by the county auditor or chief financial
5 officer designated in a charter county and classified according to the
6 classification established by the state auditor. The county auditor or
7 chief financial officer designated in a charter county shall provide
8 such forms. He or she shall also prepare the estimates for interest
9 and debt redemption requirements and any other estimates the
10 preparation of which properly falls within the duties of his or her
11 office.

12 Each such official shall file his or her estimates within the time
13 and in the manner provided in the notice and form and the county
14 auditor or chief financial officer (~~shall~~) designated in a charter
15 county may deduct and withhold as a penalty from the salary of each
16 official failing or refusing to file such estimates as herein provided,
17 the sum of (~~ten~~) fifty dollars for each day of delay: PROVIDED, That
18 the total penalty against any one official shall not exceed two hundred
19 fifty dollars in any one year.

20 In the absence or disability of any official the duties required
21 herein shall devolve upon the official or employee in charge of the
22 office, department, service, or institution for the time being. The
23 notice shall contain a copy of this penalty clause.

24 **Sec. 9.** RCW 36.40.040 and 1995 c 301 s 63 and 1995 c 194 s 7 are
25 each reenacted and amended to read as follows:

26 Upon receipt of the estimates the county auditor or chief financial
27 officer designated in a charter county shall prepare the county budget
28 which shall set forth the complete financial program of the county for
29 the ensuing fiscal year, showing the expenditure program and the
30 sources of revenue by which it is to be financed.

31 The revenue section shall set forth the estimated receipts from
32 sources other than taxation for each office, department, service, or
33 institution for the ensuing fiscal year, the actual receipts for the
34 first six months of the current fiscal year and the actual receipts for
35 the last completed fiscal year, the estimated surplus at the close of
36 the current fiscal year and the amount proposed to be raised by
37 taxation.

1 The expenditure section shall set forth in comparative and tabular
2 form by offices, departments, services, and institutions the estimated
3 expenditures for the ensuing fiscal year, the appropriations for the
4 current fiscal year, the actual expenditures for the first six months
5 of the current fiscal year including all contracts or other obligations
6 against current appropriations, and the actual expenditures for the
7 last completed fiscal year.

8 All estimates of receipts and expenditures for the ensuing year
9 shall be fully detailed in the annual budget and shall be classified
10 and segregated according to a standard classification of accounts to be
11 adopted and prescribed by the state auditor after consultation with the
12 Washington state association of counties and the Washington state
13 association of county officials.

14 The county auditor or chief financial officer designated in a
15 charter county shall set forth separately in the annual budget to be
16 submitted to the county legislative authority the total amount of
17 emergency warrants issued during the preceding fiscal year, together
18 with a statement showing the amount issued for each emergency, and the
19 legislative authority shall include in the annual tax levy, a levy
20 sufficient to raise an amount equal to the total of such warrants:
21 PROVIDED, That the legislative authority may fund the warrants or any
22 part thereof into bonds instead of including them in the budget levy.

23 **Sec. 10.** RCW 36.40.050 and 1963 c 4 s 36.40.050 are each amended
24 to read as follows:

25 The budget shall be submitted by the auditor or chief financial
26 officer designated in a charter county to the board of county
27 commissioners on or before the first Tuesday in September of each year.
28 The board shall thereupon consider the same in detail, making any
29 revisions or additions it deems advisable.

30 **Sec. 11.** RCW 36.40.130 and 1963 c 4 s 36.40.130 are each amended
31 to read as follows:

32 Expenditures made, liabilities incurred, or warrants issued in
33 excess of any of the detailed budget appropriations or as revised by
34 transfer as in RCW 36.40.100(~~(, 36.40.110)~~) or 36.40.120 provided shall
35 not be a liability of the county, but the official making or incurring
36 such expenditure or issuing such warrant shall be liable therefor

1 personally and upon his or her official bond. The county auditor shall
2 issue no warrant and the county commissioners shall approve no claim
3 for any expenditure in excess of the detailed budget appropriations or
4 as revised under the provisions of RCW 36.40.100 through 36.40.130,
5 except upon an order of a court of competent jurisdiction, or for
6 emergencies as hereinafter provided. (~~Any county commissioner, or
7 county auditor, approving any claim or issuing any warrant in excess of
8 any such budget appropriation except as herein provided shall forfeit
9 to the county fourfold the amount of such claim or warrant which shall
10 be recovered by action against such county commissioner or auditor, or
11 all of them, and the several sureties on their official bonds.~~)

12 **Sec. 12.** RCW 36.40.210 and 1963 c 4 s 36.40.210 are each amended
13 to read as follows:

14 On or before the twenty-fifth day of each month the auditor shall
15 submit or make available to the board of county commissioners a report
16 showing the expenditures and liabilities against each separate budget
17 appropriation incurred during the preceding calendar month and like
18 information for the whole of the current fiscal year to the first day
19 of said month, together with the unexpended and unencumbered balance of
20 each appropriation. He or she shall also set forth the receipts from
21 taxes and from sources other than taxation for the same periods.

22 **Sec. 13.** RCW 36.96.020 and 1979 ex.s. c 5 s 2 are each amended to
23 read as follows:

24 On or before June 1st of 1980, and on or before June 1st of every
25 year thereafter, each county auditor shall search available records and
26 notify the county legislative authority if any special purpose
27 districts located wholly or partially within the county appear to be
28 inactive. (~~Each county auditor shall also provide in the
29 notifications made in 1982 and thereafter a list of all special purpose
30 districts located wholly or partially within the county which, for
31 three consecutive years before the notification, have failed to file
32 statements with the county auditor as required in RCW 36.96.090.~~) If
33 the territory of any special purpose district is located within more
34 than one county, the legislative authorities of all other counties
35 within whose boundaries such a special purpose district lies shall also
36 be notified by the county auditor. However, the authority to dissolve

1 such a special purpose district as provided by this chapter shall rest
2 solely with the legislative authority of the county which contains the
3 greatest geographic portion of such special purpose district.

4 **Sec. 14.** RCW 36.96.090 and 1979 ex.s. c 5 s 9 are each amended to
5 read as follows:

6 ~~((1) Every special purpose district shall file a statement with~~
7 ~~the auditor of each county in which it lies on or before December 31st~~
8 ~~of every year, beginning in the year 1979. The initial statement filed~~
9 ~~by each special purpose district shall contain)) For every newly~~
10 ~~created special purpose district, the auditor of each county in which~~
11 ~~the special purpose district is located shall provide the state auditor~~
12 ~~with~~ the following information:

13 ~~((a))~~ (1) The name of the special purpose district and a general
14 description of its location ~~((and geographical area within the county~~
15 ~~and within any other county;~~

16 ~~(b) The statutes under which the special purpose district~~
17 ~~operates));~~

18 ~~((c))~~ (2) The name, address, and telephone number~~((, and~~
19 ~~remaining term of office))~~ of each member of its governing authority;
20 and

21 ~~((d))~~ (3) The functions that the special purpose district is then
22 presently performing and the purposes for which it was created.

23 ~~((Subsequent annual statements need only identify the special purpose~~
24 ~~district and any of the above detailed information that has changed in~~
25 ~~the last year.~~

26 ~~(2) Each county auditor, on or before January 31, 1980, and on or~~
27 ~~before January 31st each year thereafter, shall forward to the state~~
28 ~~auditor a summation of the information contained in the statements~~
29 ~~required to be filed in subsection (1) of this section together with~~
30 ~~information of each special purpose district located wholly or~~
31 ~~partially within the county that has been dissolved during the~~
32 ~~preceding year.))~~

33 **Sec. 15.** RCW 43.09.280 and 1995 c 301 s 18 are each amended to
34 read as follows:

35 The expense of auditing public accounts shall be borne by each
36 entity subject to such audit for the auditing of all accounts under its

1 jurisdiction and the state auditor shall certify the expense of such
2 audit to the fiscal or warrant-issuing officer of such entity, who
3 shall immediately make payment to the state auditor. If the expense as
4 certified is not paid by any local government within thirty days from
5 the date of certification, the state auditor may certify the expense to
6 the auditor of the county in which the local government is situated,
7 who shall promptly issue his or her warrant on the county treasurer
8 payable out of the current expense fund of the county, which fund,
9 except as to auditing the financial affairs and making inspection and
10 examination of the county, shall be reimbursed by the county auditor or
11 chief financial officer designated in a charter county out of the money
12 due the local government at the next monthly settlement of the
13 collection of taxes and shall be transferred to the current expense
14 fund.

15 **Sec. 16.** RCW 28A.330.080 and 1990 c 33 s 346 are each amended to
16 read as follows:

17 Moneys of such school districts shall be paid out only upon orders
18 for warrants signed by the president, or a majority of the board of
19 directors and countersigned by the secretary: PROVIDED, That when, in
20 the judgment of the board of directors, the orders for warrants issued
21 by the district monthly shall have reached such numbers that the
22 signing of each warrant by the president personally imposes too great
23 a task on the president, the board of directors, after auditing all
24 payrolls and bills as provided by RCW 28A.330.090, may authorize the
25 issuing of one general certificate to the county treasurer, to be
26 signed by the president, authorizing said treasurer to pay all the
27 warrants specified by date, number, name and amount, and the funds on
28 which said warrants shall be drawn; thereupon the secretary of said
29 board shall be authorized to draw and sign said orders for warrants.
30 The county treasurer shall register all warrants drawn and issued under
31 this section in the office of the county treasurer.

32 **Sec. 17.** RCW 28A.330.230 and 1990 c 33 s 352 are each amended to
33 read as follows:

34 Second-class school districts, subject to the approval of the
35 superintendent of public instruction, may draw and issue warrants for
36 the payment of moneys upon approval of a majority of the board of

1 directors, such warrants to be signed by the chair of the board and
2 countersigned by the secretary: PROVIDED, That when, in the judgment
3 of the board of directors, the orders for warrants issued by the
4 district monthly shall have reached such numbers that the signing of
5 each warrant by the chair of the board personally imposes too great a
6 task on the chair, the board of directors, after auditing all payrolls
7 and bills, may authorize the issuing of one general certificate to the
8 county treasurer, to be signed by the chair of the board, authorizing
9 said treasurer to pay all the warrants specified by date, number, name
10 and amount, and the funds on which said warrants shall be drawn;
11 thereupon the secretary of said board shall be authorized to draw and
12 sign said orders for warrants. The county treasurer shall register all
13 warrants drawn and issued under this section in the office of the
14 county treasurer.

15 **Sec. 18.** RCW 28A.325.030 and 2000 c 157 s 2 are each amended to
16 read as follows:

17 (1)(a) There is hereby created a fund on deposit with each county
18 treasurer for each school district of the county having an associated
19 student body as defined in RCW 28A.325.020. Such fund shall be known
20 as the associated student body program fund. Rules adopted by the
21 superintendent of public instruction under RCW 28A.325.020 shall
22 require separate accounting for each associated student body's
23 transactions in the school district's associated student body program
24 fund.

25 (b) All moneys generated through the programs and activities of any
26 associated student body shall be deposited in the associated student
27 body program fund. Such funds may be invested for the sole benefit of
28 the associated student body program fund in items enumerated in RCW
29 28A.320.320 and the county treasurer may assess a fee as provided
30 therein. Disbursements from such fund shall be under the control and
31 supervision, and with the approval, of the board of directors of the
32 school district, and shall be by warrant as provided in (~~chapter~~
33 ~~28A.350~~) RCW 28A.330.080 and 28A.330.230: PROVIDED, That in no case
34 shall such warrants be issued in an amount greater than the funds on
35 deposit with the county treasurer in the associated student body
36 program fund. To facilitate the payment of obligations, an imprest

1 bank account or accounts may be created and replenished from the
2 associated student body program fund.

3 (c) The associated student body program fund shall be budgeted by
4 the associated student body, subject to approval by the board of
5 directors of the school district. All disbursements from the
6 associated student body program fund or any imprest bank account
7 established thereunder shall have the prior approval of the appropriate
8 governing body representing the associated student body.
9 Notwithstanding the provisions of RCW 43.09.210, it shall not be
10 mandatory that expenditures from the district's general fund in support
11 of associated student body programs and activities be reimbursed by
12 payments from the associated student body program fund.

13 (2) Subject to applicable school board policies, student groups may
14 conduct fund-raising activities, including but not limited to
15 soliciting donations, in their private capacities for the purpose of
16 generating nonassociated student body fund moneys. The school board
17 policy shall include provisions to ensure appropriate accountability
18 for these funds. Nonassociated student body program fund moneys
19 generated and received by students for private purposes to use for
20 scholarship, student exchange, and/or charitable purposes shall be held
21 in trust in one or more separate accounts within an associated student
22 body program fund and be disbursed for such purposes as the student
23 group conducting the fund-raising activity shall determine: PROVIDED,
24 That the school district shall either withhold an amount from such
25 moneys as will pay the district for its direct costs in providing the
26 service or otherwise be compensated for its cost for such service.
27 Nonassociated student body program fund moneys shall not be deemed
28 public moneys under section 7, Article VIII of the state Constitution.
29 Notice shall be given identifying the intended use of the proceeds.
30 The notice shall also state that the proceeds are nonassociated student
31 body funds to be held in trust by the school district exclusively for
32 the intended purpose. "Charitable purpose" under this section does not
33 include any activity related to assisting a campaign for election of a
34 person to an office or for the promotion or opposition to a ballot
35 proposition.

36 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
37 each repealed:

- 1 (1) RCW 28A.350.010 (Registering warrants--All districts) and 1990
2 c 33 s 373, 1975 c 43 s 27, 1973 c 111 s 2, & 1969 ex.s. c 223 s
3 28A.66.010;
- 4 (2) RCW 28A.350.020 (Registering warrants--Second-class districts)
5 and 1990 c 33 s 374, 1975 c 43 s 28, & 1969 ex.s. c 223 s 28A.66.020;
- 6 (3) RCW 28A.350.030 (Auditing accounts--All districts) and 1969
7 ex.s. c 223 s 28A.66.030;
- 8 (4) RCW 28A.350.040 (Auditor to draw and issue warrants--Second-
9 class districts) and 1990 c 33 s 375, 1975 c 43 s 29, 1973 c 111 s 3,
10 & 1969 ex.s. c 223 s 28A.66.040;
- 11 (5) RCW 28A.350.050 (Teacher must qualify before warrant drawn and
12 issued or registered--All districts) and 1973 c 72 s 1, 1971 c 48 s 45,
13 & 1969 ex.s. c 223 s 28A.66.050;
- 14 (6) RCW 28A.350.060 (Liability of auditor for warrants exceeding
15 budget--All districts) and 1975-'76 2nd ex.s. c 118 s 31 & 1969 ex.s.
16 c 223 s 28A.66.070;
- 17 (7) RCW 28A.350.070 (Orders for warrants not transferable--Second-
18 class districts) and 1975 c 43 s 30 & 1969 ex.s. c 223 s 28A.66.080;
- 19 (8) RCW 36.18.110 (Monthly statement to county auditor) and 1985 c
20 44 s 3, 1984 c 128 s 3, & 1963 c 4 s 36.18.110;
- 21 (9) RCW 36.18.120 (Statements to be checked) and 1985 c 44 s 4,
22 1984 c 128 s 4, & 1963 c 4 s 36.18.120; and
- 23 (10) RCW 36.18.130 (Errors or irregularities) and 1963 c 4 s
24 36.18.130.

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