

chapter shall terminate March 31, 1953, except that taxes accrued hereunder prior to that date may be enforced thereafter.

Effective date.

SEC. 45. This act is necessary for the support of the state government. The first two sections hereof shall take effect immediately and the remaining sections shall take effect May 1, 1951.

Passed the House April 4, 1951.

Passed the Senate April 3, 1951.

Approved by the Governor April 16, 1951, with the exception of certain items which are vetoed.

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CHAPTER 11.

[S. B. 9.]

EXCISE TAXES UPON THE SALE OF REAL ESTATE.

AN ACT relating to the support of the common schools, providing for the levy by counties of excise taxes upon the sale of real estate for the support thereof; repealing sections 28.47.030 and 28.47.040, R.C.W.; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

School directors; resolutions declaring need for additional funds.

SECTION 1. Whenever the boards of directors of more than a majority of the school districts in any county shall adopt resolutions declaring that a need exists for additional funds for the support of the schools, such resolution to be adopted after a public hearing after reasonable notice in each of the respective districts, and shall file the same with the board of county commissioners prior to the first day of May of any year, it shall be the duty of the board of county commissioners to pay to each school district during the ensuing year a sum equal to seventeen cents per day of attendance credit as determined pursuant to section 28.41.070, R.C.W., for the last completed school year prior to the first day of May

County commissioners; duty to pay.

Amount.

of any year. The year during which the payments herein required are to be made shall be from the first day of May to the last day of April, inclusive: *Provided*, That in the event a county, for a period of twelve months prior to the first day of May of any year, levies a tax of not less than one per cent on the sales of real estate in the county as permitted and provided for in this act and assigns the entire proceeds of one per cent or so much as necessary to make the above payment to the county school fund for distribution to the various school districts, there shall be no further liability upon the county for this purpose.

Levy of tax on real estate sales and assignment of proceeds precludes further liability.

[R.C.W. 28.41.070 was derived from Rem. Supp. 1949, 4940-4, part (subsections a to i incl.).]

SEC. 2. The county commissioners of any county are authorized by ordinance to levy an excise tax upon sales of real estate not exceeding one per cent of the selling price. The rate of the levy shall be determined annually by the commissioners. The proceeds of the tax provided for in this act shall be placed in the county school fund and shall be used exclusively for the support of the common schools: *Provided*, That one-half of one per cent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county.

Levy authorized.

Rate.

Disposition of proceeds.

SEC. 3. If the excise tax herein authorized shall be levied in any county for a period of twelve or any lesser number of months and it shall appear upon the first day of May of any year that such tax has not produced seventeen cents per day's attendance credit or such proportion thereof as such lesser number of months, or major fraction thereof, during which the tax was levied, bears to twelve, the deficit shall be certified by the board of county commissioners to the state superintendent of public instruction as a charge against the state school equalization fund for the schools of such county. The sum so certified shall

Where proceeds of tax insufficient; deficit a charge against state school fund.

Payment.

be paid to the county treasurer from the state school equalization fund and allotted to the school districts in the same manner as other money is distributed from the county school fund.

Repealing  
clause.

SEC. 4. Sections 28.47.030 and 28.47.040 of the Revised Code of Washington derived from section 5, subchapter 9, title 3, chapter 97 of the Laws of 1909, as last amended by section 1 of chapter 31 of the Laws of 1949, are hereby repealed.

[R.C.W. 28.47.030 was derived from Rem. Supp. 1949, § 4936, part (1st sentence); R.C.W. 28.47.040 was derived from Rem. Supp. 1949, § 4936, part (all except 1st sentence).]

Subject  
of tax.

SEC. 5. The real estate sales tax provided for herein shall be levied upon each sale of real property located within the county.

"Seller."

SEC. 6. As used in this act and in any ordinance enacted pursuant thereto, the term "seller," unless otherwise indicated by the context, shall mean any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, quasi-municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise; but it shall not include the United States or the state of Washington.

"Sale."

SEC. 7. As so used, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quit-claim, or transfer of the ownership of or title to real property or any estate or interest in real property for a valuable consideration, and any contract for such conveyance, grant, assignment, quit-claim, or transfer, and any lease with an option to purchase real property or any estate or interest in real property or other contract under which possession of the property is given to the purchaser, or any other person by his direction,

while title is retained by the vendor as security for the payment of the purchase price.

The terms shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, a mortgage or other transfer of an interest in real property merely to secure a debt, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this act has been paid, nor the sale of any grave or lot in an established cemetery. Exceptions.

SEC. 8. As so used, the term "selling price" shall mean the consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale. "Selling price."

SEC. 9. The tax herein provided for and any interest or penalties thereon shall be a specific lien upon each piece of real property sold from the time of sale until the tax shall have been paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Lien.

SEC. 10. The tax levied under this act shall be the obligation of the seller and the county treasurer may, at his option, enforce the obligation through an action of debt against the seller or he may proceed in the manner prescribed for the foreclosure of mortgages and resort to one course of enforcement shall not be an election not to pursue the other. Tax is obligation of seller.  
Enforcement.

SEC. 11. The tax hereby imposed shall be paid to and collected by the county treasurer who shall cause a stamp evidencing satisfaction of the lien to be affixed to the conveyance prior to its recording. Collection.

Receipt.

A receipt issued by the county treasurer for the payment of the tax imposed under this act shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages.

Recording.

County  
commission-  
ers; addi-  
tional  
powers.

SEC. 12. The board of county commissioners may provide the rate of interest to be levied against delinquent taxes provided for under this act and may prescribe the manner in which sales of real property shall be reported to the county treasurer and the tax paid thereon. The county commissioners may prescribe procedures supplementary to this act.

Emergency.

SEC. 13. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate April 3, 1951.

Passed the House April 3, 1951.

Approved by the Governor April 16, 1951.