

"I am returning herewith without my approval as to Section 1 (1), and Section 3 Second Substitute House Bill No. 628 entitled:

"AN ACT Relating to residential schools."

This bill would establish a special procedure for deinstitutionalizing mentally retarded residents of the state residential schools for the next two years.

I am very sensitive to the concerns of the parents who advocated the passage of this bill. The changes that have come about in recent years in the treatment of the mentally retarded have been controversial and often upsetting to those most closely involved, both lay and professional.

I am not convinced, however, that the procedure for decision-making and appeal outlined in Section 1 (1) is going to solve the problem — and it may raise other problems. I am willing, though, to ask for a "trial run." I have therefore directed Alan J. Gibbs, Secretary of the Department of Social and Health Services, to freeze disputed placements for a period of six months. I have also directed him to examine placement practices during this period and report to me prior to the next legislative session.

For the reasons outlined above, I have vetoed Section 1 (1) and Section 3. The remainder of Second Substitute House Bill No. 628 is approved."

CHAPTER 167

[Substitute House Bill No. 648]

REAL ESTATE EXCISE TAX—ADMINISTRATION—DELINQUENT PAYMENTS, INTEREST, PENALTIES—AFFIDAVIT FORM

AN ACT Relating to real estate excise taxes; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1980 and RCW 28A.45.120; amending section 5, chapter 154, Laws of 1980 and RCW 82.45.150; amending section 6, chapter 154, Laws of 1980 and RCW 82.45.180; adding a new section to chapter 82.45 RCW; and providing an effective date.

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

Section 1. Section 5, chapter 154, Laws of 1980 and RCW 82.45.150 are each amended to read as follows:

All of chapter 82.32 RCW, except RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140, and 82.32.270 and except for the penalties and the limitations thereon imposed by RCW 82.32.090, applies to the tax imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the tax imposed by this chapter. The department of revenue shall by rule provide for the effective administration of this chapter. (~~The rules shall specify the form and content of an affidavit to be filed with the county treasurer by the seller.~~) The rules shall also include a manual which defines transactions which are taxable under this chapter. The department of revenue shall annually conduct (~~a random~~) audits of (~~taxable~~) transactions and affidavits filed under this chapter.

NEW SECTION. Sec. 2. There is added to chapter 82.45 RCW a new section to read as follows:

(1) The tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within thirty days thereafter shall bear

interest at the rate of one percent per month from the time of sale until the date of payment.

(2) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department shall assess against the taxpayer the additional amount found to be due plus interest as provided in subsection (1) of this section. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable under this chapter, a penalty of fifty percent of the additional tax found to be due shall be added.

Sec. 3. Section 6, chapter 154, Laws of 1980 and RCW 82.45.180 are each amended to read as follows:

The county treasurer shall place one percent of the proceeds of the tax imposed by this chapter in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department of revenue for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. The state treasurer shall deposit the proceeds in ~~((a special account in))~~ the general fund ~~((, hereby created. All funds in said special account shall be used exclusively))~~ for the support of the common schools.

NEW SECTION. Sec. 4. This act shall take effect September 1, 1981.

Sec. 5. Section 28A.45.120, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1980 and RCW 28A.45.120 are each amended to read as follows:

The department of revenue is authorized and shall prescribe minimum standards for uniformity in reporting, application, and collection of the real estate excise tax imposed by this chapter.

The department of revenue shall also prescribe a real estate excise tax affidavit form which shall ~~((contain, at least;))~~ require the following:

- (1) Identification of the seller and purchaser;
- (2) Description of the property involved including the tax parcel or account number(s);
- (3) Date of sale, type of instrument of sale, nature of transfer;
- (4) Gross sales price;
- (5) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW; or classified as open space land, farm and agricultural land, or timberland under chapter 84.34 RCW; ~~((and))~~ or at the time of sale exempt from property tax under chapter 84.36 RCW;
- (6) ~~((Signatures of both the buyer and seller, under oath))~~ Whether or not the property is land only, land with new building (new construction), or land with a previously used building; and
- (7) The following questions, the responses to which are not required:
 - (a) Is this property at the time of sale subject to an elderly, disability, or physical improvement exemption?

(b) Does any building have a heat pump or solar heating or cooling system?

(c) Does this transaction divide a current parcel of land?

(d) Does this transaction include current crops or merchantable timber?

(e) Does this transaction involve a trade, a partial interest, corporate affiliates, related parties, a trust, a receivership, or an estate?

(f) Is the grantee acting as a nominee for a third party?

(g) Is the principal use of the land agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, or growing timber?

The affidavit form shall contain a statement of the potential compensating and additional tax liability under chapters 84.33 and 84.34 RCW, a statement of the collection of taxes under RCW 84.36.262 and 84.36.810, and a statement of the applicable penalties for perjury under chapter 9A.72 RCW.

Each county shall use the affidavit form prescribed and furnished by the department of revenue.

The affidavit shall be signed by either the seller or the buyer, or the agent of either, under oath attesting to all required information.

Passed the House April 26, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 168

[Substitute House Bill No. 667]

SCHOOLS, EXCESS LEVY LIMITATION—AUTHORITY TO EXCEED, PHASEOUT

AN ACT Relating to school district excess levies; and amending section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531.

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

Section 1. Section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) (~~For excess levies in 1977 for collection in 1979, for excess levies in 1978 for collection in 1979, for excess levies in 1978 for collection in 1980, and for excess levies in 1979 for collection in 1980, the sum of:~~