

CHAPTER 11.

[S. B. 21.]

RECOVERY OF TAXES PAID UNDER PROTEST.

AN ACT relating to action for the recovery of taxes deemed unlawful or excessive by the taxpayer, providing how judgments in such actions shall be paid, amending sections 2, 4 and 5 of chapter 62, Laws of 1931 and declaring an emergency.

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

SECTION 1. That section 2, chapter 62, Laws of 1931 be amended to read as follows:

Amends
§ 2, ch. 62,
Laws of 1931.

Section 2. In all cases of the levy of taxes for public revenue which are deemed unlawful or excessive by the person, firm or corporation whose property is taxed, or from whom such tax is demanded or enforced, such person, firm or corporation may pay such tax or any part thereof deemed unlawful, under written protest setting forth all of the grounds upon which such tax is claimed to be unlawful or excessive; and thereupon the person, firm or corporation so paying, or his or its legal representatives or assigns, may bring an action in the superior court or in any federal court of competent jurisdiction against the state, county or municipality by whose officers the same was collected, to recover such tax, or any portion thereof, so paid under protest: *Provided*, That this act shall not be deemed to enlarge the grounds upon which taxes may now be recovered: *And provided further*, That no claim need be presented to the state or county or municipality, or any of their respective officers, for the return of such protested tax as a condition precedent to the institution of such action.

Taxes paid
under protest.

SEC. 2. That section 4, chapter 62, Laws of 1931 be amended to read as follows:

Amends
§ 4, ch. 62,
Laws of 1931.

Section 4. Annually, at the time required by law for the levying of taxes for county purposes, the

Levy for tax
refund fund.

proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies for said county tax refund fund, which said levy or levies shall be given precedence over all other tax levies for county and/or taxing district purposes, as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes of such taxing district, and which have been held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed.

The aforesaid levy or levies shall also include a proper share of the interest paid out of the county tax refund fund during said twelve months upon warrants issued against said fund in payment of such judgments, legal interests and costs, plus such an additional amount as such levying officers shall deem necessary to meet the obligations of said fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

SEC. 3. That section 5, chapter 62, Laws of 1931 be amended to read as follows:

Section 5. The action for the recovery of taxes so paid under protest shall be brought in the superior

Amends
§ 5, ch. 62,
Laws of 1931.

Actions to
recover
taxes.

court of the county wherein the tax was collected or in any Federal court of competent jurisdiction: *Provided*, That where the property against which the tax is levied consists of the operating property of a railroad company, telegraph company or other public service company whose operating property is located in more than one county and is assessed as a unit by any state board or state officer or officers, the complaining taxpayer may institute such action in the superior court of any one of the counties in which such tax is payable, or in any Federal court of competent jurisdiction, and may join as parties defendant in said action all of the counties to which the tax or taxes levies [levied] upon such operating property were paid or are payable, and may recover in one action from each of the county defendants the amount of the tax, or any portion thereof, so paid under protest, and adjudged to have been unlawfully collected, together with legal interest thereon from date of payment, and costs of suit.

Venue.

Railroads,
telegraph
and public
service com-
panies.

Parties.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the Senate January 27, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 19, 1937.