

CHAPTER 155  
[Engrossed Substitute House Bill No. 1041]  
TELEVISION RECEPTION IMPROVEMENT DISTRICTS--  
CREATION--OPERATION--  
TAX AUTHORIZED

AN ACT Relating to the creation and operation of television reception improvement districts; providing for a tax; creating new sections; and prescribing penalties.

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

NEW SECTION. Section 1. The purposes of a television reception improvement district, hereinafter referred to in this act as "district", shall be to serve the public interest, convenience, and necessity in the construction, maintenance, and operation of television translator stations, including appropriate electric or electronic devices for increasing television program distribution, but said purposes are not meant to include the construction or operation of television cable systems, commonly known and referred to as cable TV systems or CATV.

NEW SECTION. Sec. 2. A district's boundary may include any part or all of any class county and may include any part or all or any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on the effective date of this act there is a translator station retransmitting television signals to such territory.

NEW SECTION. Sec. 3. A petition to form a district may be presented to the board of county commissioners and such petition shall include: (1) A description of the purposes of the petition; (2) a description of the purposes and powers of the proposed district; (3) a description of the boundaries of the proposed district; and (4) the signatures of more than fifty percent of the registered voters residing within the boundaries of the proposed district.

NEW SECTION. Sec. 4. If the board of county commissioners, with the assistance of other appropriate county officers, finds the petition filed under section 3 of this act satisfies the requirements of that section, it shall cause the text of the petition to be published once a week for at least three consecutive weeks in a newspaper of general circulation within the county where the petition is presented. With the publication of the petition there shall be published a notice of the time, date, and place of the public meeting of the county commissioners when the petition will be considered, stating that persons interested may appear and be heard.

NEW SECTION. Sec. 5. If after the public meeting or meetings on the petition, the board of county commissioners finds that

creation of the proposed district would serve the public interest, the board shall adopt a resolution granting the petition and creating the district. Prior to adoption however, the board may amend the petition in the interest of carrying out the purposes of this act.

NEW SECTION. Sec. 6. The business of the district shall be conducted by the board of the television reception improvement district, hereinafter referred to as the "board". The board shall be constituted as provided under either subsection (1) or (2) of this section.

(1) The board of a district having boundaries different from the county's shall have either three, five, seven, or nine members, as determined by the board of county commissioners at the time the district is created. Each member shall be appointed by the board of county commissioners, shall reside within the boundaries of the district and each shall serve a three-year term, or until their successors are qualified, except that the board of county commissioners shall appoint one of the members of the first board to a one year term and two to two year terms. A majority of the members of the board shall constitute a quorum for the transaction of business, but the majority vote of the board members shall be necessary for any action taken by the board. The board shall elect from among its members a chairman and such other officers as may be necessary. In the event a seat on the board is vacated prior to the expiration of the term of the member appointed to such seat, the board of county commissioners shall appoint a person to complete such unexpired term.

(2) Upon the creation of a district having boundaries identical to those of the county (a county-wide district), the county commissioners shall be the members of the board of the district and shall have all the powers and duties of such board as provided under the other sections of this act. The county commissioners shall be reimbursed pursuant to the provisions of section 7 of this act, and shall conduct the business of the district according to the regular rules and procedures applicable to meetings of the board of county commissioners.

NEW SECTION. Sec. 7. Members of the board shall receive no compensation for their services, but shall be reimbursed from district funds for any actual and necessary expenses incurred by them in the performance of their official duties.

NEW SECTION. Sec. 8. With the assistance of the board, the county assessor shall, on or before the first day of July of any given year, ascertain and prepare a list of all persons he believes own television sets within the district and deliver a copy of such list to the board.

NEW SECTION. Sec. 9. The provisions of chapter 36.40 RCW,

relating to budgets, shall apply to the district. The budget of the district shall be financed by an excise tax imposed by the board, and described in section 10 of this act.

NEW SECTION. Sec. 10. The tax provided for in sections 9 and 10 of this act shall not exceed fifteen dollars per year per television set, and no person shall be taxed for more than one television set, except that a motel or hotel or any person owning in excess of five television sets shall pay at a rate of one-fifth of the annual tax rate imposed for each of the first five television sets and one-tenth of such rate for each additional set thereafter. An owner of a television set within the district shall be exempt from paying any tax on such set under this act: (1) If either (a) his television set does not receive at least a class grade E contour signal retransmitted by the television translator station or other similar device operated by the district, as such class is defined under regulations of the Federal Communications Commission as of the effective date of this act, or (b) he is currently subscribing to and receiving the services of a community antenna system (CATV) to which his television set is connected; and (2) if he filed a statement with the board claiming his grounds for exemption. Space for such statement shall be provided for in the tax notice which the treasurer shall send to taxpayers in behalf of the district.

NEW SECTION. Sec. 11. Any person owing the excise tax provided for under this act and who fails to pay the same within sixty days after the county treasurer has sent the tax bill to him, shall be deemed to be delinquent. Such person shall be liable for all costs to the county or district attributable to collecting the tax but no such excise tax or costs, nor any judgment based thereon, shall be deemed to create a lien against real property.

NEW SECTION. Sec. 12. The board may adopt rules providing for prorating of tax bills for persons who have not owned a television set within the district for a full tax year.

NEW SECTION. Sec. 13. In addition to other powers provided for under this act, the board shall have the following powers:

(1) To perform all acts necessary to assure that the purposes of this act will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations re-transmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary: PROVIDED, That the board shall have no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this act;

(4) To make contracts with the United States, or any state,

municipality or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights of way and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this act;

(7) To contract indebtedness or borrow money and to issue warrants or bonds to be paid from district revenues, bearing interest at a rate not exceeding seven percent per annum;

(8) To prescribe tax rates for the providing of services throughout the area in accordance with the provisions of this act; and

(9) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

NEW SECTION. Sec. 14. A district may translate or retransmit only those signals which originate from commercial and educational television stations which directly provide, within some portion of the state of Washington, a class A grade or class B grade contour, as such classes are defined under regulations of the Federal Communications Commission as of the effective date of this act.

NEW SECTION. Sec. 15. Any claim against the district shall be presented to the board. Upon allowance of the claim, the board shall submit a voucher, signed by the chairman and one other member of the board, to the county auditor for the issuance of a warrant in payment of said claim. This procedure for payment of claims shall apply to the reimbursement of board members for their actual and necessary expenses incurred by them in the performance of their official duties.

NEW SECTION. Sec. 16. The treasurer of the county in which a district is located shall be ex officio treasurer of the district. He shall collect the excise tax provided for under this act and shall send notice of payment due to persons owing the tax. There shall be deposited with him all funds of the district. All district payments shall be made by him from such funds upon warrants issued by the county auditor, except the sums to be paid out of any bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of issuance. The treasurer shall report monthly to the board in writing, the amount in the district fund or funds.

NEW SECTION. Sec. 17. The board of county commissioners shall provide for the bonding of each member of the board. Such bond

shall be a fidelity bond conditioned on each board member honestly performing his duties and shall be paid for from district funds. The amount of the bond shall be prescribed by the board of county commissioners but shall not be less than twenty thousand dollars per board member.

NEW SECTION. Sec. 18. The board shall reimburse the county auditor, assessor, and treasurer for the actual costs of services performed by them in behalf of the district.

NEW SECTION. Sec. 19. Any person who shall knowingly make a false statement for exemption from the tax provided under this act shall be guilty of a misdemeanor.

NEW SECTION. Sec. 20. If the board of county commissioners finds, following a public hearing or hearings, that the continued existence of a district would no longer serve the purposes of this act, it may by resolution order the district dissolved. If there is any property owned by the district at the time of dissolution, the board of county commissioners shall have such property sold pursuant to the provisions of chapter 36.34 RCW, as now law or hereafter amended. The proceeds from such sale shall be applied to the county current expense fund.

NEW SECTION. Sec. 21. No television reception improvement district may be formed to operate and maintain any translator station presently or previously owned, operated or maintained by a television broadcaster.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

---

CHAPTER 156

[Engrossed House Bill No. 56]

REVENUE AND TAXATION--

MOTOR VEHICLE FUEL--

AIRCPAFT FUEL

AN ACT Relating to revenue and taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1967 and RCW 82.36.010; amending section 82.36.230, chapter 15, Laws of 1961 as last amended by section