

"...House Bill 47 provides for certain types of outdoor burning on a limited basis, under strict regulation and close control so as to achieve and maintain high levels of air quality. In addition, it directs state agencies to establish a one-permit system for burning permits until an alternate technology or method of disposing of the organic refuse shall have been developed.

Veto  
Message

It is clear from section 1 of the bill that the legislature intended a comprehensive regulation and control of outdoor burning in the categories allowed and that the best available methods for controlling burning are to be required. Unfortunately, the language in section 4 which delineates the program for burning control, while appropriate as to content, might be interpreted as being exclusive of any other regulation and control such as best available burning methods. In order to avoid any question as to intent I am vetoing those portions of section 4 which might appear to inadvertently limit the regulatory authority only to those items listed in section 4 so that the limited burning program with strict regulation and close control contemplated by the act can be put into effect.

With the exception of those portions of section 4 discussed above, Engrossed Substitute House Bill 47 is approved."

CHAPTER 137

[House Bill No. 130]

LOCAL IMPROVEMENTS--NOTICE OF ASSESSMENT--  
COLLECTION, DEFERRAL

AN ACT Relating to local improvements; amending section 35.49.010, chapter 7, Laws of 1965 as last amended by section 13, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.010; amending section 35.50.030, chapter 7, Laws of 1965 and RCW 35.50.030; amending section 35.50.050, chapter 7, Laws of 1965 and RCW 35.50.050; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.54 RCW; and declaring an emergency.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 35.49.010, chapter 7, Laws of 1965 as last amended by section 13, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.010 are each amended to read as follows:

All assessments for local improvements in local improvement districts shall be collected by the city treasurer and shall be kept in a separate fund to be known as "local improvement fund, district No. ...." and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

All assessments for local improvements in a utility local improvement district shall be collected by the city treasurer, shall be paid into the appropriate revenue bond fund, and shall be used for no other purpose than the redemption of revenue bonds issued to provide funds for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the city or town treasurer for collection, he shall publish a notice in the official newspaper of the city or town once a week for two consecutive weeks, that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

Within fifteen days of the first newspaper publication, the city or town treasurer shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list, of the nature of the assessment, of the amount of his real property subject to such assessment, of the total amount of assessment due, and of the time during which such assessment may be paid without penalty, interest, or costs.

NEW SECTION. Sec. 2. There is added to chapter 35.43 RCW a new section to read as follows:

Any city of the first class in this state ordering any local improvement upon which shall be levied and collected special assessments on property specifically benefited thereby may provide as part of the ordinance creating any local improvement district that the collection of any assessment levied therefor may be deferred until a time previous to the dissolution of the district for those economically disadvantaged property owners or other persons who, under the terms of a recorded contract of purchase, recorded mortgage, recorded deed of trust transaction or recorded lease are responsible under penalty of forfeiture, foreclosure or default as between vendor/vendee, mortgagor/mortgagee, grantor and trustor/trustee and grantee, and beneficiary and lender, or lessor and lessee for the payment of local improvement district assessments, and in the manner specified in the ordinance qualify for such deferment, upon assurance of property security for the payment thereof.

NEW SECTION. Sec. 3. There is added to chapter 35.54 RCW a new section to read as follows:

Whenever payment of a local improvement district assessment is deferred pursuant to the provisions of section 2 of this 1972 amendatory act the amount of the deferred assessment shall be paid out of the local improvement guaranty fund. The local improvement guaranty fund shall have a lien on the benefited property in an amount equal to the deferral together with interest as provided for by the establishing ordinance.

The lien may accumulate up to an amount not to exceed the sum of two installments: PROVIDED, That the ordinance creating the local improvement district may provide for one or additional deferrals of up to two installments. Local improvement assessment obligations deferred under this 1972 amendatory act shall become payable upon the earliest of the following dates:

(1) Upon the date and pursuant to conditions established by the political subdivision granting the deferral; or

(2) Upon the sale of property which has a deferred assessment lien upon it from the purchase price; or

(3) Upon the death of the person to whom the deferral was granted from the value of his estate; except a surviving spouse shall be allowed to continue the deferral which shall then be payable by that spouse as provided in this section.

Sec. 4. Section 35.50.C30, chapter 7, Laws of 1965 and RCW 35.50.030 are each amended to read as follows:

If on the first day of January in any year, ~~((two))~~ five installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate: PROVIDED, That properties as to which payment of the principal of local improvement assessments or installments thereof have been deferred pursuant to section 2 of this 1972 amendatory act shall not be subject to foreclosure proceedings required by this section.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has mailed to the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings.

V- The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section: PROVIDED, That nothing in this 1972 amendatory act shall have application to LID assessments delinquent at or prior to the time of its effective date.

Sec. 5. Section 35.50.C50, chapter 7, Laws of 1965 and RCW 35.50.050 are each amended to read as follows:

An action to collect a local improvement assessment or any installment thereof or to enforce the lien thereof whether brought by the city or town, or by any person having the right to bring such action must be commenced within ten years after the assessment becomes delinquent or within ten years after the last installment becomes delinquent, if the assessment is payable in installments: PROVIDED, That the time during which payment of principal is deferred as to economically disadvantaged property owners as provided for in section 2 of this 1972 amendatory act and in RCW 35.50.030 shall not be a part of the time limited for the commencement of action.

NEW SECTION. Sec. 6. If any provision of this 1972 amendatory 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.

NEW SECTION. Sec. 7. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 15, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 25, 1972 with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...Sections 2 through 7 of this bill pertain to the deferral of local improvement district assessments for 'economically disadvantaged property owners and other persons' and, in section 4, extends from two to five the number of annual L.I.D. installments that must be delinquent before foreclosure proceedings may be commenced against the

Veto  
Message

property owner.

Veto  
Message

The extension from two years to five years in section 4 could well have an adverse effect upon the marketability of local improvement district bonds. While the portion of this bill authorizing assessment deferrals is permissive only and will require implementing ordinances and resolutions at the local level, section 4 is not. Accordingly, I have determined it is appropriate to veto section 4 in order to protect the integrity and marketability of local improvement district bonds.

The remainder of House Bill 130 is approved."

CHAPTER 138

[Engrossed House Bill No. 221]

TAXATION OF MOTOR VEHICLE AND SPECIAL FUELS

AN ACT Relating to taxation of motor vehicle and special fuels; amending section 82.36.280, chapter 15, Laws of 1961 as amended by section 1, chapter 36, Laws of 1971 ex. sess. and RCW 82.36.280; amending section 9, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.080; amending section 18, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.170; amending section 19, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.180; amending section 20, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.190; and providing an effective date.

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

Section 1. Section 82.36.280, chapter 15, Laws of 1961 as last amended by section 1, chapter 36, Laws of 1971 ex. sess. and RCW 82.36.280 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed