

**2021 Legislative Session  
WACO Priority Legislation and Legislative Relations  
Cross-Affiliate Proposal**

**Affiliate(s) and Affiliate Legislative Chair / Affiliate Representative**

Washington State Association of County Clerks – Alison Sonntag, Kitsap County Clerk; Josie Delvin, Benton County Clerk

Washington Association of Coroners and Medical Examiners – Tim Davidson, Cowlitz County Coroner

Washington State Association of County Auditors – Skip Moore, Chelan County Auditor

Washington State Association of County Treasurers – Jeff Gadman, Thurston County Treasurer

Washington State Sheriff’s Association – John Snaza, Thurston County Sheriff

**Section 2: Priority Legislation Request for the 2021 Session**

Information below is essential for both consideration of proposal by full WACO membership as well as helping WACO staff support priority legislation success.

**2021 CROSS-AFFILIATE PRIORITY BILL / BUDGET  
REQUEST:**

**Ensuring Continuity of Operations in County Elected Official Offices**

- **Purpose of Legislation:** WACO hosted weekly COVID-19 open forum conference calls for 16 consecutive weeks. These calls yielded identification of many barriers to continuity of operations caused by statute that does not yet anticipate the challenges posed by pandemic. Updates to statutory requirements reflecting outdated procedures for provision of county services and greater flexibility for crises beyond those provided only in times of natural disaster are needed. For ease of consideration, it is divided in sections by proposal. The language and sections will be submitted and are subject to revision by the Code Revisers Office.
- Section 1 (Clerks) - Expands clerk courtroom attendance requirement to include virtual
- Section 2 (Assessors) - Amends statute re: physical inspection of property to allow for use of new technologies while upholding national (IAAO) standards.
- Section 3 (Coroners) - Expands membership of state Emergency Management Council to include county coroners and medical examiners; adds coroners and medical examiners to definition of “first responders”
- Section 4 (Auditors) – Permits State Auditor to allow local governments a 30-day extension for filing annual fiscal reports if Governor has declared an emergency.
- Section 5 (Auditors) – Provides that a county auditor has fulfilled her/his obligation of making public records available if records can be accessed on the county auditor’s website

- Section 6 (Coroners) – Grants Coroners and Medical Examiners access to driver’s license and State issued identification cards for the purposes of identification of the deceased.
- Section 7 (Sheriffs) - Allows Sheriffs to conduct their public auctions online similar to public auctions conducted by County Treasurers.

**Status of Proposal Development:**

**1. Affiliate has considered:**

- ✓ Rationale for legislation as opposed to other remedies?  
All require amended RCW
- ✓ Timely issue / appropriate for particular session / political and fiscal climate?  
Direct response to COVID-19-related challenges
- ✓ Potential negative and positive impacts?  
No cost and no negative impact.
- ✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?  
WACO members have stories of struggles to operate under current RCW
- ✓ Potential impact on other affiliates and discussed with them?  
Presented to WACO Legislative Committee – affiliate representatives not raised objections to bill components

**2. Stakeholders that have expressed interest and/or potential support for this bill?**

State Auditor (Section 4); Prosecutors (Section 1); DOL (Section 7)

**3. Status of bill language?**

Attached

**4. Status of sponsorship?**

WACO Legislative Team in discussion with legislative leadership on sponsor

**5. Other / Additional information:**

### **Section 1 Amending RCW 2.32.050 Powers and duties of court clerks.**

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he or she is clerk:

- (1) To keep the seal of the court and affix it in all cases where he or she is required by law;
- (2) To record the proceedings of the court;
- (3) To keep the records, files, and other books and papers appertaining to the court;
- (4) To file all papers delivered to him or her for that purpose in any action or proceeding in the court as directed by court rule or statute;
- (5) To attend, **either in person or electronically if the proceeding is virtual**, the court of which he or she is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court;
- (6) To keep the minutes of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments, and decrees;
- (7) To authenticate by certificate or transcript, as may be required, the records, files, or proceedings of the court, or any other paper appertaining thereto and filed with him or her;
- (8) To exercise the powers and perform the duties conferred and imposed upon him or her elsewhere by statute;
- (9) In the performance of his or her duties to conform to the direction of the court;
- (10) To publish notice of the procedures for inspection of the public records of the court.

### **Section 2 Amending RCW 84.41.041 Physical inspection and valuation of taxable property required — Adjustments during intervals based on statistical data.**

(1) Each county assessor must cause taxable real property characteristics to be reviewed in accordance with IAAO standards for physical inspection ~~to be physically inspected and valued~~ at least once every six years in accordance with RCW 84.41.030, and in accordance with a plan filed with and approved by the department of revenue. Such revaluation plan must provide that all taxable real property within a county must be revalued and these newly determined values placed on the assessment rolls each year. Property must be valued at one hundred percent of its true and fair value and assessed on the same basis, in accordance with RCW 84.40.030, unless specifically provided otherwise by law. During the intervals between each physical inspection of real property, the valuation of such property must be adjusted to its current true and fair value, such adjustments to be made once each year and to be based upon appropriate statistical data.

(2) The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property.

**Section 3 Amending RCW 38.52.040 Emergency management council—Members—Ad hoc committees—Rules review—Function as state emergency response commission—Intrastate mutual aid committee.**

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not more than eighteen members who shall be appointed by the adjutant general. The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, **county coroners and medical examiners**, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, private industry, and the office of the superintendent of public instruction. The representatives of private industry shall include persons knowledgeable in emergency and hazardous materials management. The councilmembers shall elect a chair from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

**Amending RCW 70.54.430 First responders—Emergency response service—Contact information.**

(1) When requested by first responders during an emergency, employees of companies providing personal emergency response services must provide to first responders the name, address, and any other information necessary for first responders to contact subscribers within the jurisdiction of the emergency.

(2) Companies providing personal emergency response services may adopt policies to respond to requests from first responders to release subscriber contact information during an emergency. Policies may include procedures to:

- (a) Verify that the requester is a first responder;
- (b) Verify that the request is made pursuant to an emergency;
- (c) Fulfill the request by providing the subscriber contact information; and
- (d) Deny the request if no emergency exists or if the requester is not a first responder.

(3) Information received by a first responder under subsection (1) of this section is confidential and exempt from disclosure under chapter 42.56 RCW, and may be used only in responding to the emergency that prompted the request for information. Any first responder receiving the information must destroy it at the end of the emergency.

(4) It is not a violation of this section if a personal emergency response services company or an employee makes a good faith effort to comply with this section. In addition, the company or employee is immune from civil liability for a good faith effort to comply with this section. Should a company or employee prevail upon the defense provided in this section, the company or employee is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

(5) First responders and their employing jurisdictions are not liable for failing to request the information in subsection (1) of this section. In addition, chapter 30, Laws of 2015 does not create a private right of action nor does it create any civil liability on the part of the state or any of its subdivisions, including first responders.

(6) For the purposes of this section:

(a) "Emergency" means an occurrence that renders the personal emergency response services system inoperable for a period of twenty-four or more continuous hours, and that requires the attention of first responders acting within the scope of their official duties.

(b) "First responder" means firefighters, law enforcement officers, **coroners and medical examiners**, and emergency medical personnel, as licensed or certificated by this state.

#### **Section 4 Amending RCW 43.09.230 Local government accounting—Annual reports—Comparative statistics.**

**\*\*\* CHANGE IN 2020 \*\*\* (SEE 2588-S.SL) \*\*\***

The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year. **The State Auditor may allow local governments a thirty-day extension for filing annual fiscal reports during if the Governor has declared an emergency pursuant to RCW 43.06.210.**

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; (2) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; and (4) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

#### **Section 5 Amending RCW 65.04.140 Auditor as custodian of records.**

The county auditor in his or her capacity of recorder of deeds is sole custodian of all books in which are recorded deeds, mortgages, judgments, liens, incumbrances, and other instruments of writing, indexes thereto, maps, charts, town plats, survey and other books and papers constituting the records and files in said office of recorder of deeds, and all such records and files are, and shall be, matters of public information, free of charge to any and all persons demanding to inspect or to examine the same, or to search the same for titles of property. It is said recorder's duty to arrange in suitable places the indexes of said books of record, and when practicable, the record books themselves, to the end that the same may be accessible to the public and convenient for said public inspection, examination, and search, and not interfere with the said auditor's personal control and responsibility for the same, or prevent him or her from promptly furnishing the said records and files of his or her said office to persons demanding any information from the same. The said auditor or recorder must and shall, upon demand, and without charge, freely permit any and all persons, during reasonable office hours, to inspect, examine, and search any or all of the records and files of his or her said office, and to gather any information therefrom, and to make any desired notes or memoranda about or concerning the same, and to prepare an abstract or abstracts of title to any and all property therein contained. **The county auditor has fulfilled this obligation regarding those records that can be accessed by the public on the county auditor's website.**

## **Section 6 Amending RCW 46.20.118 Coroner access to DOL photos:**

(1) The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by this chapter. Negatives in the file shall not be available for public inspection and copying under chapter 42.56 RCW.

(2) The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity or for the purposes of verifying identity when a law enforcement officer is authorized by law to request identification from an individual.

(3) The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration database.

(4) The department may also provide a print to the driver's next of kin in the event the driver is deceased.

(5) The department shall make the file available to the county coroner or medical examiner for the purpose of identifying a deceased person.

## **Section 7 Amending RCW Allow Sheriffs to Conduct Public Auctions Online**

### **RCW 6.01.060**

#### **Definitions.**

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Certified mail" includes, for mailings to a foreign country, any form of mail that requires or permits a return receipt.

(2) "Consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt.

(3) "Medical debt" has the same meaning as provided in RCW [19.16.100](#).

(4) "Private student loan" means any loan not guaranteed by the federal or state government that is used solely for personal use to finance postsecondary education and costs of attendance at an educational institution. A private student loan includes a loan made solely to refinance a private student loan. A private student loan does not include an extension of credit made under an open-end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

~~5) "Public auction sale by electronic media" means a transaction conducted via the internet that includes invitations for bids to purchase property submitted by an auctioneer and bids to purchase property submitted by sale participants, culminating in an auctioneer's acceptance of the highest or most favorable bid. Invitations and bids are submitted through an electronic device, including but not limited to a computer~~ has the same meaning as provided in RCW [36.16.145\(7\)\(c\)](#).

[ [2019 c 371 § 2](#); [2019 c 227 § 1](#); [2018 c 199 § 202](#); [1988 c 231 § 1](#). ]

### **RCW 6.21.030**

#### **Notice of sale—Real property—Form for publication.**

Before the sale of real property under execution, order of sale, or decree, notice of the sale shall be given as follows:

(1) The judgment creditor shall:

(a) Not less than thirty days prior to the date of sale, cause a copy of the notice in the form provided in RCW [6.21.040](#) to be (i) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (ii) transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor or debtors, and to each of them separately if there is more than one judgment debtor, at each judgment debtor's last known address; and

(b) Not less than thirty days prior to the date of sale, mail a copy of the notice of sale to the attorney of record for the judgment debtor, if any; and

(c) File an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

(2) The sheriff shall:

(a) For a period of not less than four weeks prior to the date of sale, post a notice in the form provided in RCW [6.21.040](#), particularly describing the property, in two public places in the county in which the property is located, one of which shall be at the courthouse door, ~~where the property is to be sold~~, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement; and

(b) Publish a notice of the sale once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated, but if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit, or proceeding has the exclusive right to designate in which of the qualified newspapers the notice shall be published, and if there is no qualified legal newspaper published in the county, then the notice shall be published in a qualified legal newspaper published in a contiguous county, as designated by the plaintiff or moving party. The published notice shall be in substantially the following form:

IN THE SUPERIOR  
COURT OF THE  
STATE OF  
WASHINGTON  
FOR . . . . COUNTY

Plaintiff,  
vs.  
Defendant.

ü CAUSE NO.  
ï SHERIFF'S PUBLIC  
ý NOTICE OF SALE  
ï OF  
þ REAL PROPERTY

TO: [Judgment  
Debtor]  
The Superior  
Court of . . . . .  
County has  
directed the  
undersigned  
Sheriff of . . . . .  
County to sell the  
property  
described below  
to satisfy a  
judgment in the  
above-entitled  
action. If

developed, the  
property address  
is: . . . . .

The sale of the  
above-described  
property is to take  
place:

Time: . . . .

Date: . . . .

Place: . . . .if the  
auction sale is to  
be conducted by  
electronic media,  
include the web  
address of the  
sale website

The judgment  
debtor can avoid  
the sale by paying  
the judgment  
amount of \$ . . . . ,  
together with  
interest, costs,  
and fees, before  
the sale date. For  
the exact amount,  
contact the sheriff  
at the address  
stated below:

. . . . . SHERIFF-  
DIRECTOR, . . . . .  
COUNTY,  
WASHINGTON.

By . . . . . ,  
Deputy  
Address . . . .  
City . . . .  
Washingt  
on 9. . . .  
Phone (. . .) . . . .

(c) If the sale is to take place via electronic media, notice of the public sale shall also be posted ~~online on the website hosting the auction sale~~ website hosting the auction sale for a period not less than four weeks prior to the date of sale.

**RCW 6.21.040**

**Notice of sale of real property—Form of notice to judgment debtor.**

The notice of sale shall be printed or typed and shall be in substantially the following form, except that if the sale is not pursuant to a judgment of foreclosure of a mortgage or a statutory lien, the



notice shall also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately:

IN THE SUPERIOR COURT OF  
THE STATE OF WASHINGTON  
FOR . . . . COUNTY

Plaintiff,                   ü  
                  vs.                   ï  
Defendant.                 ý  
   ï  
   þ

CAUSE NO.  
SHERIFF'S NOTICE TO  
JUDGMENT DEBTOR OF  
SALE OF REAL PROPERTY

TO: [Judgment Debtor]  
The Superior Court of . . . . .  
County has directed the  
undersigned Sheriff of . . . . .  
County to sell the property  
described below to satisfy a  
judgment in the above-entitled  
action. The property to be sold  
is described on the reverse side  
of this notice. If developed, the  
property address is: . . . . .  
The sale of the above-described  
property is to take place:

Time: . . . . .  
Date: . . . . .  
Place: . . . . . if the auction sale  
is to be conducted by electronic  
media, include the web address  
of the sale website

The judgment debtor can avoid  
the sale by paying the judgment  
amount of \$ . . . . , together with  
interest, costs, and fees, before  
the sale date. For the exact  
amount, contact the sheriff at  
the address stated below:

This property is subject to:  
(check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the . . . . day of . . . . ., (year) . . . .
- 3. A redemption period of one year which will

expire at 4:30 p.m. on the . . . .  
day of . . . . ., (year) . . . .

The judgment debtor or debtors  
or any of them may redeem the  
above described property at any  
time up to the end of the  
redemption period by paying  
the amount bid at the sheriff's  
sale plus additional costs, taxes,  
assessments, certain other  
amounts, fees, and interest. If  
you are interested in redeeming  
the property contact the  
undersigned sheriff at the  
address stated below to  
determine the exact amount  
necessary to redeem.

IMPORTANT NOTICE: IF  
THE JUDGMENT DEBTOR OR  
DEBTORS DO NOT REDEEM THE  
PROPERTY BY 4:30 p.m. ON THE  
. . . . DAY OF . . . . ., (year) . . . .,  
THE END OF THE REDEMPTION  
PERIOD, THE PURCHASER AT  
THE SHERIFF'S SALE WILL  
BECOME THE OWNER AND MAY  
EVICT THE OCCUPANT FROM  
THE PROPERTY UNLESS THE  
OCCUPANT IS A TENANT  
HOLDING UNDER AN  
UNEXPIRED LEASE. IF THE  
PROPERTY TO BE SOLD  
IS OCCUPIED AS A PRINCIPAL  
RESIDENCE BY THE JUDGMENT  
DEBTOR OR DEBTORS AT THE  
TIME OF SALE, HE, SHE, THEY,  
OR ANY OF THEM MAY HAVE  
THE RIGHT TO RETAIN  
POSSESSION DURING THE  
REDEMPTION PERIOD, IF ANY,  
WITHOUT PAYMENT OF ANY  
RENT OR OCCUPANCY FEE. THE  
JUDGMENT DEBTOR MAY ALSO  
HAVE A RIGHT TO RETAIN  
POSSESSION DURING ANY  
REDEMPTION PERIOD IF THE  
PROPERTY IS USED FOR  
FARMING OR IF THE PROPERTY

IS BEING SOLD UNDER A  
MORTGAGE THAT SO  
PROVIDES.

..... SHERIFF-DIRECTOR, ....  
.. COUNTY, WASHINGTON.

By ....., Deputy  
Address .....  
City .....  
Washington 9 ....  
Phone (...).....

### **RCW 6.21.050**

#### **Time and place of sale—Postponements.**

(1) All sales of property under execution, order of sale, or decree, shall be made by auction between nine o'clock in the morning and four o'clock in the afternoon. Sale of a public franchise under execution or order of sale on foreclosure must be made at the front door of the courthouse in the county in which the franchise was granted or by public auction sale by electronic public auction via the internet. Sales of real property shall be made at the courthouse door or by public auction sale by electronic media on Friday ~~or by public auction via the internet~~, unless Friday is a legal holiday and then the sale shall be held on the next following regular business day.

(2) If at the time appointed for the sale the sheriff is prevented from attending at the place appointed or, being present, should deem it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, the sheriff may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time, and by posting written notices of such adjournment under the notices of sale originally posted. ~~Notice of the postponement must also be provided online if the sale is scheduled to take place by public auction via the internet.~~ The sheriff for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ.

[ 1987 c 442 § 605; 1953 c 126 § 1; 1899 c 53 § 4; 1897 c 50 § 2; RRS § 583. Formerly RCW 6.24.020.]

### **RCW 6.21.090**

#### **Manner of selling real estate—Sale by lot, acre—Measurement.**

(1) ~~If auction is in person,~~ the form and manner of selling real estate by execution shall be as follows: The sheriff shall proclaim aloud at the place of sale, in the hearing of all the bystanders: "I am about to sell the following tracts of real estate (here reading the description,) upon the following execution:" (here reading the execution). The sheriff shall also state the amount that is required upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. The sheriff shall then offer the land for sale.

(a) If the sale auction is by public auction sale by electronic media, a copy of the execution the shall be posted on the website hosting the auction sale write should be and the sheriff shall include a statement on the auction site that states: "I am about to sell the following tracts of real estate (the description of the real estate) upon the follow execut The website shall also include a statement from the The sheriff that states shall also state the amount that is required upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. The sheriff shall then offer the land for sale.

~~2) If public auction is by electronic media, the amount that is required upon the execution, which shall include damages, interested and costs up to the day of sale, and increased costs, shall be publicly available on line.~~

(2) If the sale is of real property consisting of several known lots or parcels, they shall be sold separately or otherwise as the sheriff deems likely to bring the highest price, except that if an interest in a portion of such real property is claimed by a third person who, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that it be sold separately, such portion shall be sold separately. Bids on all land except town lots may be by the acre or by tract or parcel.

(3) If the land is sold by the acre and any fewer number of acres than the whole tract or parcel is sold, it shall be measured off to the purchaser in a square form, from the northeast corner of the tract or parcel, unless some person claiming an interest in the land, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that the land sold be taken from some other part or in some other form; in such case, if the request is reasonable, the officer making the sale shall sell accordingly.

(4) If an entire tract or parcel of land is sold by the acre, it shall not be measured but shall be deemed and taken to contain the number of acres named in the description, and be paid for accordingly; and if the number of acres is not contained in the description, the officer shall declare according to his or her judgment how many acres are contained therein, which shall be deemed and taken to be the true number of acres.

[ [1987 c 442 § 609](#); Code 1881 § 363; [1877 p 79 § 366](#); [1869 p 94 § 359](#); [1854 p 181 § 262](#); RRS § 587. Formerly RCW [6.24.060](#).]

### **RCW [6.21.100](#)**

#### **Sale of real property to highest bidder—Sheriff's return and certificate of sale.**

(1) The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer or to their agent conducting the sale by electronic media. The Sheriff or their agent conducting the sale by electronic media, shall tender the money to the clerk of the court that issued the writ. The Sheriff shall make return of ~~with the execution and the~~ along with a report of the proceedings ~~on the execution~~ to the clerk of the court from which the execution issued: PROVIDED, HOWEVER, That when final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the return shall be made to the superior court in which the action was originally commenced, and the same proceedings shall be had as though execution had issued from that superior court.

(2) At the time of the sale, the sheriff shall prepare a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot or parcel, and the whole price paid; and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of proceedings upon the writ. Upon receipt of the purchase price, the sheriff shall give a copy of the certificate to the purchaser and the original certificate to the clerk of the court with the return on the execution to hold for delivery to the purchaser upon confirmation of the sale.

[ [1987 c 442 § 610](#); [1971 c 81 § 28](#); Code 1881 § 366; [1877 p 79 § 369](#); [1869 p 95 § 362](#); [1854 p 182 § 265](#); RRS § 590. Formerly RCW [6.24.090](#).]



## **Addressing Barriers to Continuity of Operations for County Elected Officials**

### **Context:**

Our elected county officials provide direct services to citizens in support of their health, safety and financial well-being. This difficult time with unprecedented challenges necessitates a redefinition of “continuity of services”. WACO has worked with our members to identify what it takes / will take – including resource and legal/regulatory supports – to ensure service during this and future crises.

### **What’s happening?**

- 63% of counties’ continuity of operations plans do not account for pandemics or long-term remote work situations.
- 78% of counties identify a lack of adequate PPEs to conduct business for up to 3 months.
- County officials commonly state they lack the technology infrastructure to enable remote operations and at the same time are unable to maintain social distancing and their operations within current county courthouse spaces

### **Responsive Policy:**

The current crisis has necessitated many exemptions / waivers from current RCW to enable county officials to carry out their responsibilities in statute. A series of gubernatorial proclamations have been helpful, but in many cases have been untimely in establishment and renewal, leaving counties uncertain and/or preparing for multiple contingencies. Changes in RCW that support continued operations, triggered by clear definition of public health crisis and other emergencies, are needed. Examples of policy barriers that need to be addressed include:

- Reduce in-person requirements on County Auditor transactions. For example, RCW requires public records be available for inspection during “reasonable office hours” and marriage solemnization occur “in the presence” of the officiant and witness. Definitions related to presence and availability need to be updated to reflect virtual access.
- Redefine “attendance” relative to court proceedings to allow for remote access. RCW requires the County Clerk to be present at all court proceedings. Changes in these requirements for Clerks should be considered alongside those for others required in courtroom proceedings.

- County Assessors are required in RCW to conduct physical inspection of properties for appraisal. National standards and many states have updated this to incorporate virtual means such as street view satellite imagery and drones.
- RCW does not currently consider county coroners a first responder. This has been highly detrimental to their access to PPE, rapid testing and endangered coroners and their staff due to lack of equity with first responders in regard to health and safety provisions and leave and overtime considerations.

WACO is currently working with our members to compile a comprehensive request of modification in RCW that will better ensure county officials can meet their legal obligations in a crisis.

### **Preserve funding for state- and federally-mandated county services**

WACO and its members understand and appreciate the difficult budget decisions the Legislature will need to make in coming months. All will be expected to tighten our belts and look for ways to do more with less. At the same time, we must be clear and specific with the legislature as to the mandates and services that will not be possible / will discontinue if unfunded. Voter guides, ballot boxes, paid postage, personal property tax valuation – these are examples of services that rely on current and continued state funding. In addition, state funding for county functions such as Coroner training and accreditation are necessary to maintain eligibility for even larger amounts of federal funds.

As the legislature understandably seeks creative solutions for addressing the budget shortfall and providing relief to citizens adversely affected by the crisis, County Officials offers some cautions for consideration:

- Return Washington's property tax system to a budget-based system; providing taxpayers the stability and transparency they expect.
- Carefully consider reforms to state revenue and taxation systems and ensure they do not adversely affect the ability to provide vital services to the same population they seek to provide relief.
- Consider impact of tax exemptions on target and general population; ensure exemptions equitably allotted and targeted to those in need.
- Reform and/or create new local revenue options that provide sustainable funding and enable local decision making.

**2021 Legislative Session  
WACO Priority Legislation and Legislative Relations  
Affiliate Needs Assessment**

WACO works very closely with the affiliates who have submitted priority legislation. Priority Legislation is reserved for those bills that WACO membership has chosen for WACO to work for passage. Additional services from WACO are also available to affiliates, regardless of whether they have priority legislation in any given session, focused on building legislative understanding on affiliate roles and issues.

**Affiliate: Washington State Association of County Auditors (WSACA)**

**Section 1: Affiliate legislative contacts**

1. Affiliate Legislative Chair(s) for 2020 Session (primary contact for WACO staff related to legislative session): **Skip Moore, Chelan County Auditor**
2. Affiliate representative(s) with authority to direct WACO staff related to proposed amendments to your priority bills or to communicate your affiliate's position on legislation affecting the affiliate to WACO staff: **Julie Anderson, WSACA President and Pierce County Auditor; Skip Moore, WSACA Legislative Chair and Chelan County Auditor**

**Section 2: Priority Legislation Request for the 2020 Session**

Information below is essential for both consideration of proposal by full WACO membership as well as helping WACO staff support priority legislation success.

**2020 PRIORITY BILL / BUDGET REQUEST #1:**

**Abolish Torrens**

**Purpose of Legislation:** Torrens is an outdated, labor-intensive system of land registration separate from standard recording systems. While County Auditor offices house both recording and registration systems, the Torrens system also involves a judicial component. This dual system is unnecessarily confusing and time-consuming for citizens as applications must be filed with both the Auditors office and the courts. Optional for counties, only 5 counties (King, Pierce, Snohomish, Island and Kitsap) currently use it. This proposed legislation would remove land from among registered titles to recorded title, as is standard in most counties.

**Status of Proposal Development:** This has been proposed by Auditors previously, most recently via HB 2315 (Fey) in 2018.

**1. Affiliates has considered:**

✓ Rationale for legislation as opposed to other remedies?

Yes – Change in RCW required to discontinue Torrens system

✓ Timely issue / appropriate for particular session / political and fiscal climate?

The only way to “view” these records is first hand from the Book of Certificates. These books represent both historical record which must be preserved, and current use records which must be



accessed on a regular basis. This puts the records in jeopardy and could lead to errors or loss of data. Converting to the modern system would allow remote viewing via internet.

✓ Considered potential negative and positive impacts?

One of the benefits of Torrens is not needing to have "title insurance" or the input of a title company when conducting a transaction. In practice most Torrens transactions are handled by title companies for expedience, so this benefit is effectively nullified.

✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

Relatively few cases, few counties, no negative impact in Oregon. Continuing to research.

✓ Considered potential impact on other affiliates and discussed with them?

No real impact on affiliates.

**2. Stakeholders that have expressed interest and/or potential support for this bill?**

The title companies are onboard and will testify.

**3. Potential Opponents and How Address?**

No known opponents at this time. All Auditors are supportive

**4. Status of bill language?** Attached. Same language as HB 2315, 2018

**5. Status of sponsorship?** Sponsors will be determined following the November election.

**6. Other / Additional information:**

## 2020 PRIORITY BILL / BUDGET REQUEST #2:

### Establish recording standards commission and provide Secretary of State authority to adopt rules to standardize county recording practices

**Purpose of Legislation:** Despite efforts of County Auditors, recording standards and practices vary from county to county, which creates confusion and liability. County recorders, real estate firms, title and escrow companies and consumer groups need simplified, standardized recording standards and fees. Auditors propose a commission composed of county auditors as well as county assessors, treasurers and other stakeholders, develop and maintain consistent standards and that the Secretary of State be provided authority to adopt rules based on those standards

**Status of Proposal Development:** This has been proposed by Auditors previously, most recently via HB 2316 (McDonald) in 2018.

#### 1. Affiliates has considered:

✓ Rationale for legislation as opposed to other remedies?

Legislation is the only remedy to establish statewide uniform standards and processes

✓ Timely issue / appropriate for particular session / political and fiscal climate?

Yes timely. With a push for set standard fees across the state, this legislation lays the foundation to ensure uniformity.

✓ Considered potential negative and positive impacts?

No real negative impacts. Positive impact would be consistent standards county to county, allowing citizens to know that what the process is regardless of county.

✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

Currently the only way to know exactly what a fee will be is by calling each county prior to recording a document. As E-recording becomes more the standard of conducting business standards are required.

✓ Considered potential impact on other affiliates and discussed with them?

No major impact other than serving on the committee. This will ensure any business practices will align with the way affiliates are currently conducting business.

#### 2. Stakeholders that have expressed interest and/or potential support for this bill?

Secretary of State's Office; Real estate firms, title and escrow companies and consumer groups.

#### 3. Status of bill language?

Attached. Same as HB 2316 2018.

#### 4. Status of sponsorship?

Sponsors will be determined following the November election.

#### 5. Other / Additional information:

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HOUSE BILL 2315

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Fey, Muri, Kilduff, and Jenkins

Prefiled 12/22/17. Read first time 01/08/18. Referred to Committee on Judiciary.

1 AN ACT Relating to registration of land titles; creating new  
2 sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020,  
3 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055,  
4 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090,  
5 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135,  
6 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165,  
7 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200,  
8 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240,  
9 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270,  
10 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320,  
11 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375,  
12 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430,  
13 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470,  
14 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530,  
15 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590,  
16 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640,  
17 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700,  
18 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760,  
19 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and  
20 providing an effective date.

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

1        NEW SECTION.    **Sec. 1.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 65.12.005            (Registration authorized—Who may apply) and  
4 2012 c 117 s 211 & 1907 c 250 s 1;

5        (2) RCW 65.12.010 (Land subject to a lesser estate) and 1907 c  
6 250 s 2;

7        (3) RCW 65.12.015 (Tax title land—Conditions to registration) and  
8 2012 c 117 s 212 & 1907 c 250 s 3;

9        (4) RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250  
10 s 4;

11        (5) RCW 65.12.025 (Various lands in one application) and 1907 c  
12 250 s 5;

13        (6) RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

14        (7) RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009  
15 c 521 s 145, & 1907 c 250 s 7;

16        (8) RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

17        (9) RCW 65.12.050 (Registrars of titles) and 1907 c 250 s 9;

18        (10) RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 &  
19 1907 c 250 s 10;

20        (11) RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c  
21 117 s 215 & 1907 c 250 s 11;

22        (12) RCW 65.12.065 (Registrar not to practice law—Liability for  
23 deputy) and 2012 c 117 s 216 & 1907 c 250 s 12;

24        (13) RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117  
25 s 217 & 1907 c 250 s 14;

26        (14) RCW 65.12.080 (Filing application—Docket and record entries)  
27 and 1907 c 250 s 15;

28        (15) RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s  
29 15a;

30        (16) RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond)  
31 and 2012 c 117 s 218 & 1907 c 250 s 13;

32        (17) RCW 65.12.100 (Copy of application as lis pendens) and 1907  
33 c 250 s 16;

34        (18) RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 &  
35 1907 c 250 s 17;

36        (19) RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

37        (20) RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c  
38 250 s 206;

39        (21) RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

1 (22) RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 &  
2 1907 c 250 s 20;

3 (23) RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense)  
4 and 2012 c 117 s 220 & 1907 c 250 s 20a;

5 (24) RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

6 (25) RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 &  
7 1907 c 250 s 22;

8 (26) RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s  
9 23;

10 (27) RCW 65.12.160 (Cause set for trial—Default—Referral) and 11  
2012 c 117 s 222 & 1907 c 250 s 24;

12 (28) RCW 65.12.165 (Court may require further proof) and 1907 c 13  
250 s 25;

14 (29) RCW 65.12.170 (Application dismissed or withdrawn) and 2012 15  
c 117 s 223 & 1907 c 250 s 26;

16 (30) RCW 65.12.175 (Decree of registration—Effect—Appellate 17  
review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, & 18 1907  
c 250 s 27;

19 (31) RCW 65.12.180 (Rights of persons not served) and 2012 c 117 20  
s 225 & 1907 c 250 s 28;

21 (32) RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;

22 (33) RCW 65.12.195 (Title free from incumbrances—Exceptions) and 23  
1907 c 250 s 30;

24 (34) RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226  
25 & 1907 c 250 s 31;

26 (35) RCW 65.12.210 (Interest acquired after filing application)  
27 and 1907 c 250 s 32;

28 (36) RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907  
29 c 250 s 33;

30 (37) RCW 65.12.225 (Withdrawal authorized—Effect) and 1917 c 62 s  
31 2;

32 (38) RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44  
33 & 1917 c 62 s 3;

34 (39) RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s  
35 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;

36 (40) RCW 65.12.240 (Effect of recording) and 1917 c 62 s 5;

37 (41) RCW 65.12.245 (Title prior to withdrawal unaffected) and  
38 1917 c 62 s 6;

1 (42) RCW 65.12.250 (Entry of registration—Records) and 2012 c 117  
2 s 228 & 1907 c 250 s 34;  
3 (43) RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46,  
4 2012 c 117 s 229, & 1907 c 250 s 35;  
5 (44) RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s  
6 230 & 1907 c 250 s 36;  
7 (45) RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 &  
8 1907 c 250 s 37;  
9 (46) RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47  
10 & 1907 c 250 s 38;  
11 (47) RCW 65.12.275 (Exchange of certificates—Platting land) and  
12 1907 c 250 s 39;  
13 (48) RCW 65.12.280 (Effective date of certificate) and 1907 c 250  
14 s 40;  
15 (49) RCW 65.12.290 (Certificate of title as evidence) and 2012 c  
16 117 s 232 & 1907 c 250 s 41;  
17 (50) RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233  
18 & 1907 c 250 s 42;  
19 (51) RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c  
20 117 s 234 & 1907 c 250 s 43;  
21 (52) RCW 65.12.320 (Dealings with registered land) and 2012 c 117  
22 s 235 & 1907 c 250 s 44;  
23 (53) RCW 65.12.330 (Registration has effect of recording) and  
24 1907 c 250 s 45;  
25 (54) RCW 65.12.340 (Filing—Numbering—Indexing—Public records)  
26 and 1907 c 250 s 46;  
27 (55) RCW 65.12.350 (Duplicate of instruments certified—Fees) and  
28 1907 c 250 s 47;  
29 (56) RCW 65.12.360 (New certificate—Register of less than fee—  
30 When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s  
31 48;  
32 (57) RCW 65.12.370 (Owner's certificate to be produced when new  
33 certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;  
34 (58) RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250 s 35  
s 50;  
36 (59) RCW 65.12.380 (Conveyance of registered land) and 2012 c 117  
37 s 238 & 1907 c 250 s 51;  
38 (60) RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s  
39 52;

1 (61) RCW 65.12.400 (Registered land charged as other land) and  
2 1907 c 250 s 53;  
3 (62) RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c  
4 250 s 54;  
5 (63) RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;  
6 (64) RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s  
7 239 & 1907 c 250 s 56;  
8 (65) RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;  
9 (66) RCW 65.12.440 (Foreclosures on registered land) and 1907 c  
10 250 s 58;  
11 (67) RCW 65.12.445 (Registration of final decree—New certificate)  
12 and 2012 c 117 s 240 & 1907 c 250 s 59;  
13 (68) RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c  
14 117 s 241 & 1907 c 250 s 60;  
15 (69) RCW 65.12.460 (Petition for new certificate) and 1907 c 250  
16 s 61;  
17 (70) RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242  
18 & 1907 c 250 s 62;  
19 (71) RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s  
20 243 & 1907 c 250 s 63;  
21 (72) RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s  
22 244 & 1907 c 250 s 64;  
23 (73) RCW 65.12.500 (Trustee may register land) and 2012 c 117 s  
24 245 & 1907 c 250 s 65;  
25 (74) RCW 65.12.510 (Creation of lien on registered land) and 1907  
26 c 250 s 66;  
27 (75) RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;  
28 (76) RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c  
29 117 s 246 & 1907 c 250 s 68;  
30 (77) RCW 65.12.540 (Decree) and 1907 c 250 s 69;  
31 (78) RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s  
32 247 & 1907 c 250 s 70;  
33 (79) RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s  
34 248 & 1907 c 250 s 71;  
35 (80) RCW 65.12.570 (Land registered only after redemption period)  
36 and 2012 c 117 s 249 & 1907 c 250 s 72;  
37 (81) RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s  
38 73;  
39 (82) RCW 65.12.590 (Probate court may direct sale of registered  
40 land) and 2012 c 117 s 250 & 1907 c 250 s 74;

1 (83) RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251  
2 & 1907 c 250 s 75;

3 (84) RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s  
4 252 & 1907 c 250 s 76;

5 (85) RCW 65.12.620 (Registration when owner's certificate  
6 withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;

7 (86) RCW 65.12.630 (Reference to examiner of title) and 1907 c  
8 250 s 78;

9 (87) RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 &  
10 1907 c 250 s 79;

11 (88) RCW 65.12.640 (Registered instruments to contain names and  
12 addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;

13 (89) RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s 14  
14 256 & 1907 c 250 s 81;

15 (90) RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75  
16 & 1907 c 250 s 82;

17 (91) RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;

18 (92) RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;

19 (93) RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties  
20 of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;

21 (94) RCW 65.12.700 (When fund not liable—Maximum liability) and 22  
22 1907 c 250 s 86;

23 (95) RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258,  
24 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;

25 (96) RCW 65.12.720 (Proceeding to change records) and 2012 c 117  
26 s 259 & 1907 c 250 s 88;

27 (97) RCW 65.12.730 (Certificate subject of theft—Penalty) and  
28 2003 c 53 s 291 & 1907 c 250 s 89;

29 (98) RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s  
30 90;

31 (99) RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s  
32 293 & 1907 c 250 s 91;

33 (100) RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907  
34 c 250 s 92;

35 (101) RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s  
36 260 & 1907 c 250 s 93;

37 (102) RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c  
38 250 s 94;



1 (103) RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261,  
2 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;

3 (104) RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 &  
4 1907 c 250 s 96; and

5 (105) RCW 65.12.900 (Construction—Chapter applicable to state  
6 registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

7 NEW SECTION. **Sec. 2.** The repeal of the statutes listed in  
8 section 1 of this act does not affect any right accrued or  
9 established, or any liability or penalty incurred, under those  
10 statutes before their repeal.

11 NEW SECTION. **Sec. 3.** Unless real property subject to the  
12 provisions of chapter 65.12 RCW on the effective date of this section  
13 is previously withdrawn from the registry system by its owner in the  
14 manner provided by section 4 of this act, the real property shall  
15 cease to be subject to the provisions of chapter 65.12 RCW upon the  
16 effective date of this section.

17 NEW SECTION. **Sec. 4.** (1) By July 1, 2019, the owner of real  
18 property registered under the provisions of chapter 65.12 RCW on the  
19 effective date of this section shall surrender their duplicate  
20 certificate of title for the real property or their certified copy of  
21 the original certificate of title for the real property, as the case  
22 may be, to the registrar of titles for the county in which the real  
23 property is situated. If such duplicate certificate or certified copy  
24 has been lost, mislaid, or destroyed the owner of the real property  
25 shall make affidavit before the registrar of titles or any other  
26 officer authorized to administer oaths wherein the owner shall state,  
27 to the best of his or her knowledge, the circumstances of the loss,  
28 the description of the real property, the name and address of each  
29 registered owner, and each such owner's interest in the real  
30 property.

31 (2) Except as otherwise provided by subsection (3) of this  
32 section, the surrender of the duplicate certificate, certified copy,  
33 or the making of an affidavit under subsection (1) of this section  
34 shall be considered as a withdrawal of the real property therein  
35 described from the registry system in accordance with chapter 65.12  
36 RCW.

1 (3) The registrar of titles for the county in which the real  
2 property is situated shall:

3 (a) Accept, without charging therefor, the surrender of such  
4 duplicate certificate of title, certified copy of the original  
5 certificate of title, or affidavit; and

6 (b) Issue, without charging therefor, a certificate of withdrawal  
7 for the real property as required by chapter 65.12 RCW; and

8 (c) Cause to be duly recorded in the office of the county auditor  
9 for the county, without charge, the certificate of withdrawal issued  
10 under (b) of this subsection and all instruments filed in the office  
11 of the registrar of titles that relate to outstanding interests in  
12 such real property and to outstanding liens, mortgages, and other  
13 charges upon such real property, referred to in or noted upon the  
14 original certificate of title to such real property on the date of  
15 the issuance of the certificate of withdrawal for such real property  
16 pursuant to (b) of this subsection.

17 NEW SECTION. **Sec. 5.** On July 1, 2019, the registrar of titles  
18 for the county shall cause the volumes of the register of titles for  
19 the county and the accompanying alphabetical indices and tract  
20 indices and other files and records in the office of the registrar of  
21 titles to be closed and placed in the permanent deed records of the  
22 county. At this time all properties remaining in registration are  
23 automatically withdrawn according to section 4(3) (b) and (c) of this  
24 act.

25 NEW SECTION. **Sec. 6.** (1) By December 1, 2018, the registrar of  
26 titles for each county shall send to each owner of real property  
27 situated in the county that is subject to the provisions of this act  
28 a written notice containing the following:

29 (a) A statement that the registry system has been discontinued by  
30 this act;

31 (b) A statement that such owner's real property will cease to be  
32 subject to registration under this act on July 1, 2019;

33 (c) A statement that such owner may withdraw, without charge, his  
34 or her real property from registration and the provisions of this act  
35 in the manner provided in section 4 of this act prior to such date;

36 (d) A statement that the validity and priority of lien interest  
37 or ownership is not affected by this process; and

1 (e) A statement that the registrar of titles for the county, upon  
2 completion of the required withdrawal procedures, shall cause the  
3 instruments described in section 4(3) of this act to be properly  
4 restored to the recording system without charge.

5 (2) The registrar of titles shall send the notice required by  
6 subsection (1) of this section to each such owner at the most recent  
7 address indicated on the original certificate of title for the  
8 owner's real property contained in the volumes of the register of  
9 titles for the county.

10 NEW SECTION.           **Sec. 7.** Sections 3 and 5 of this act take effect  
11 July 1, 2019.

--- END ---

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**HOUSE BILL 2316**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Representatives McDonald, Dolan, Stokesbary, Gregerson, and Haler

Prefiled 12/22/17. Read first time 01/08/18. Referred to Committee on State Govt, Elections & IT.

1 AN ACT Relating to the recording standards commission; amending  
2 RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24  
3 RCW; creating a new section; and repealing RCW 65.24.900.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the necessity  
6 to clarify existing law regarding the recording of documents with  
7 county recording departments and county auditors. Recording standards  
8 and practices vary from county to county, which creates confusion and  
9 liability. County recorders, real estate firms, title and escrow  
10 companies, and consumer groups need simplified and standardized  
11 recording standards and fees. It is the intent of the legislature  
12 that the secretary of state have the authority to create regulations  
13 for consistent recording of documents by county auditors.

14 **Sec. 2.** RCW 65.24.010 and 2008 c 57 s 2 are each amended to read  
15 as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Document" means information that is:

1 (a) Inscribed on a tangible medium or that is stored in an  
2 electronic or other medium, and is retrievable in perceivable form;  
3 and

4 (b) Eligible to be recorded in the land records maintained by the  
5 recording officer.

6 (2) "Electronic" means relating to technology having electrical,  
7 digital, magnetic, wireless, optical, electromagnetic, or similar  
8 capabilities.

9 (3) "Electronic document" means a document that is received by  
10 the recording officer in an electronic form.

11 (4) "Electronic signature" means an electronic sound, symbol, or  
12 process attached to or logically associated with a document and  
13 executed or adopted by a person with the intent to sign the document.

14 (5) "Person" means an individual, corporation, business trust,  
15 estate, trust, partnership, limited liability company, association,  
16 joint venture, public corporation, government, or governmental  
17 subdivision, agency, or instrumentality, or any other legal or  
18 commercial entity.

19 (6) "State" means a state of the United States, the District of  
20 Columbia, Puerto Rico, the United States Virgin Islands, or any  
21 territory or insular possession subject to the jurisdiction of the  
22 United States.

23 (7) "~~((E-recording))~~ Recording standards commission" means the  
24 body of stakeholders appointed by the secretary of state to review  
25 recording standards, including but not limited to electronic  
26 recording standards, and make recommendations to the secretary under  
27 RCW 65.24.040.

28 **Sec. 3.** RCW 65.24.040 and 2008 c 57 s 5 are each amended to read  
29 as follows:

30 (1) The office of the secretary of state shall create and appoint  
31 ~~((an e-recording))~~ a recording standards commission. The ~~((e-~~  
32 ~~recording))~~ recording standards commission shall review recording  
33 standards, including electronic recording standards, and make  
34 recommendations to the secretary of state for rules necessary to  
35 implement this chapter. A majority of the commission must be county  
36 recorders or county auditors. The commission may include assessors,  
37 treasurers, land title company representatives, escrow agents, and  
38 mortgage brokers, the state archivist, county surveyors, and any

1 other party the secretary of state deems appropriate. The term of the  
2 commissioners will be set by the secretary of state.

3 (2) To keep the standards and practices of recording officers in  
4 this state in harmony, and to promote harmony with the standards and  
5 practices of recording offices in other jurisdictions that enact  
6 ~~((this chapter))~~ similar legislation or policy and to keep the  
7 technology used by recording officers in this state compatible with  
8 technology used by recording offices in other jurisdictions that  
9 enact ~~((this chapter))~~ similar legislation or policy, the office of  
10 the secretary of state, under RCW 40.14.020, so far as is consistent  
11 with the purposes, policies, and provisions of this chapter, in  
12 adopting, amending, and repealing rules supporting recording  
13 standards shall consider:

- 14 ~~((1))~~ (a) The standards and practices of other jurisdictions;  
15 ~~((2))~~ (b) The most recent standards adopted by national  
16 standard-setting bodies, such as the property records industry  
17 association;  
18 ~~((3))~~ (c) The views of interested persons and governmental  
19 officials and entities;  
20 ~~((4))~~ (d) The needs of counties of varying size, population,  
21 and resources; ~~(and~~  
22 ~~(5))~~ (e) Standards requiring adequate information security  
23 protection to ensure that ~~((electronic))~~ documents are accurate,  
24 authentic, adequately preserved, and resistant to tampering;  
25 (f) Standards requiring adequate information security protection  
26 to ensure that electronic documents are accurate, authentic,  
27 adequately preserved, and resistant to tampering;  
28 (g) Standards for the certification of recorded documents  
29 including imaged paper documents and documents that are received by  
30 the recording officer in an electronic form; and  
31 (h) Standards on the documentation and recording of boundary line  
32 adjustments for real property.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 65.24  
34 RCW to read as follows:

35 (1) The secretary of state, as chief archivist, shall make  
36 reasonable rules in accordance with federal and state laws, to  
37 provide for the uniform recording of documents in cooperation with  
38 the commission established in this chapter.

1           (2) In addition to the rule-making authority granted otherwise by  
2 this section, the secretary of state may make rules governing the  
3 following:

4           (a) Recording duties of county recorders and county auditors;  
5           (b) Recording standards for the creation of certified copies for  
6 use as evidence;  
7           (c) Recording standards for documents related to eminent domain;  
8           (d) Recording standards for documents related to community  
9 property;  
10          (e) Recording standards for documents related to unfit dwellings,  
11 buildings, and structures;  
12          (f) Recording standards for court summons served and court  
13 judgments;  
14          (g) Recording standards for documents related to military  
15 discharge;  
16          (h) Recording standards for documents related to boundaries and  
17 plats not otherwise under the rule-making authority of another state  
18 agency;  
19          (i) Recording standards for documents related to liens;  
20          (j) Recording standards for documents related to mortgages, deeds  
21 of trust, and real estate contracts;  
22          (k) Recording standards for documents related to the uniform  
23 commercial code;  
24          (l) Recording standards for documents related to real property  
25 and conveyances;  
26          (m) Standards to be used in recording, registration, and legal  
27 publication under this chapter;  
28          (n) Recording standards for documents related to cemetery  
29 property;  
30          (o) Standards for fee waivers including but not limited to  
31 documents for veterans, and support of dependent children;  
32          (p) Recording standards for documents related to mines, minerals,  
33 and petroleum;  
34          (q) Recording standards for documents related to public lands,  
35 including tidelands, and shorelines;  
36          (r) Recording standards for documents related to excise tax on  
37 real estate;  
38          (s) Recording standards for documents related to property tax;  
39          (t) Recording standards for documents prepared in foreign  
40 countries; and

1 (u) Recording standards for documents not identified in (a)  
2 through (t) of this subsection.

3 NEW SECTION. **Sec. 5.** RCW 65.24.900 (Short title) and 2008 c 57  
4 s 1 are each repealed.

--- **END** ---



**2021 Legislative Session  
WACO Priority Legislation and Legislative Relations  
Affiliate Needs Assessment**

WACO works very closely with the affiliates who have submitted priority legislation. Priority Legislation is reserved for those bills that WACO membership has chosen for WACO to work for passage. Additional services from WACO are also available to affiliates, regardless of whether they have priority legislation in any given session, focused on building legislative understanding on affiliate roles and issues.

**Affiliate: Washington State Association of County Clerks (WSACC)**

**Section 1: Affiliate legislative contacts**

1. Affiliate Legislative Chair(s) for 2021 Session (primary contact for WACO staff related to legislative session): **Alison Sonntag, Kitsap County Clerk; Josie Delvin, Benton County Clerk**
2. Affiliate representative(s) with authority to direct WACO staff related to proposed amendments to your priority bills or to communicate your affiliate's position on legislation affecting the affiliate to WACO staff: **WSACC President Tim Fitzgerald and WSACC Legislative Committee**

**Section 2: Priority Legislation Request for the 2021 Session**

Information below is essential for both consideration of proposal by full WACO membership as well as helping WACO staff support priority legislation success.

**2021 PRIORITY BILL / BUDGET REQUEST #1:  
Eliminate clerk responsibility for hearing notice for recall process**

**Purpose of Legislation:**

To eliminate the County Clerk's role in posting a hearing notice for the recall process, giving them the duty to certify the final judgement. (We do have the power to certify a judgment.) In a recall process the shortened timelines require swift notification. While the judges currently set the hearing – they do not post notice of the hearing. The clerk is unable to post notice of hearing until the court sets the time and makes that decision known to the clerk. Additionally, under current statute the judges certify their judgement documents. The role of certifying court documents normally is performed by the clerk. These roles ought to be reversed to be more in line with other court proceedings and align with the statutory purpose of the County Clerk.

**Status of Proposal Development:**

**1. Affiliate has considered:**

- ✓ Rationale for legislation as opposed to other remedies?

There are no other remedies, as the current statute creates the problem by requiring a procedure that runs counter to norms. / appropriate for particular session / political and fiscal climate? Increase in recall filings has brought this to light.

- ✓ Considered potential negative and positive impacts?

This bill has no fiscal impact. By aligning this procedure with norms, we can reduce the chance of error and misunderstanding as a result of staff following norms in a type of action they rarely encounter that reverses duties between the court and clerk.

✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

In Benton County, we had a recall filed during a time when no one was available in Superior Court to give us a date for the hearing. It took 5 days for us to get the hearing date and then send notice. The timelines for recall efforts are very short and this caused issues with the parties. Their claim was that the Clerk did not send timely notice.

✓ Considered potential impact on other affiliates and discussed with them?

We have discussed with some SCJA representatives.

## 2. Stakeholders that have expressed interest and/or potential support for this bill?

Follow up with judges/AOC is required.

## 3. Status of bill language?

Below.

RCW 29A.56.140 Change responsibility for certain duties.

### RCW [29A.56.140](#)

Determination by superior court—Correction of ballot synopsis.

Within fifteen days after receiving the petition, the superior court shall have conducted a hearing on and shall have determined, without cost to any party, (1) whether or not the acts stated in the charge satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis. ~~The clerk of the superior court~~ shall notify the person subject to recall and the person demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments as to the sufficiency of the charges and the adequacy of the ballot synopsis. The court shall not consider the truth of the charges, but only their sufficiency. An appeal of a sufficiency decision shall be filed in the supreme court as specified by RCW [29A.56.270](#). The superior court shall correct any ballot synopsis it deems inadequate. Any decision regarding the ballot synopsis by the superior court is final. ~~The court clerk~~ shall certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of state or the county auditor, as appropriate.

## 4. Status of sponsorship?

WSACC working with WACO Legislative Team to identify sponsor

## 5. Other / Additional information:

**2021 PRIORITY BILL / BUDGET REQUEST #2:  
Give clerks authority to raise ex parte fee up to \$50**

**Purpose of Legislation:** The ex parte fee has been at its current level (\$30) for over 25 years. The proposal would grant the County Clerk the authority to raise the fee (if necessary) up to \$50.

**Status of Proposal Development:**

**1. Affiliate has considered:**

- ✓ Rationale for legislation as opposed to other remedies?

There are no other remedies, fee set in statute.

- ✓ Considered potential negative and positive impacts?

This would generally not affect the general public since there are other ways in most counties to have documents signed, like exparte dockets. During the pandemic, it became noticeable that attorneys preferred to send their documents for signature to the Clerk, saving them time and their clients' money.

- ✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?
- ✓ Considered potential impact on other affiliates and discussed with them?

**2. Stakeholders that have expressed interest and/or potential support for this bill?**

**3. Status of bill language?**

Below

[RCW 36.18.016](#)

Various fees collected—Not subject to division

(12) For processing ex parte orders, the clerk ~~may~~ is authorized to collect a fee of ~~thirty~~ up to fifty dollars

**4. Status of sponsorship?**

WSACC will work with WACO Legislative Team to identify sponsor

**5. Other / Additional information:**

**2021 Legislative Session  
WACO Priority Legislation Proposal**

WACO works closely with the affiliates who have submitted priority legislation. Priority Legislation is reserved for those bills that WACO membership has chosen for WACO to work for passage. Additional services from WACO are also available to affiliates, regardless of whether they have priority legislation in any given session, focused on building legislative understanding on affiliate roles and issues.

**Affiliate: Washington Association of County Coroners and Medical Examiners (WACME)**

**Section 1: Affiliate legislative contacts**

1. Affiliate Legislative Chair(s) for 2021 Session (primary contact for WACO staff related to legislative session):

**Tim Davidson, Cowlitz County Coroner and WACME President  
Craig Morrison, Grant County Coroner and WACME Vice President**

2. Affiliate representative(s) with authority to direct WACO staff related to proposed amendments to your priority bills or to communicate your affiliate's position on legislation affecting the affiliate to WACO staff:

**Tim Davidson, Cowlitz County Coroner and WACME President  
Craig Morrison, Grant County Coroner and WACME Vice President**

**Section 2: Priority Legislation Request for the 2021 Session**

Information below is essential for both consideration of proposal by full WACO membership as well as helping WACO staff support priority legislation success.

**2021 PRIORITY BILL / BUDGET REQUEST #1:**

**Mandate Certification and Accreditation for all Coroner / Medical Examiner Offices**

**Purpose of Legislation:** In 2019 the State Legislature provided a sustained source for basic death investigation training for Coroners/MEs and their staff. WACME has been updating the training curriculum to meet national standards. With sustained funding and affordable, accessible training, all Coroners, Medical Examiners, and investigative staff should be expected to complete it within a reasonable time period.

**Status of Proposal Development:**

1. **Affiliate has considered:**

- ✓ Rationale for legislation as opposed to other remedies?

Funding already provided through previous legislation for the purposes of training and certification. This updated version includes language that would allow reimbursement for certification testing when counties want to train through other means.

- ✓ Timely issue / appropriate for particular session / political and fiscal climate?

There is currently a national debate on the role of the county coroner and training standards. This will help demonstrate the leadership WA has taken in addressing such concerns.

- ✓ Considered potential negative and positive impacts?

Several meetings with counties large and small have been conducted to vet the positive and negative effects of the legislation. This includes funding.

- ✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

WACME is gathering the materials.

- ✓ Considered potential impact on other affiliates and discussed with them?

Meetings have been held with county prosecutors to address previous legislative concerns required mandated training.

## **2. Stakeholders that have expressed interest and/or potential support for this bill?**

Forensic Investigations Council

## **3. Status of bill language?**

Below

**NEW SECTION 1. A new section is added to chapter 36.24 RCW to read as follows:**

Within twenty-four months of assuming office, a person who files a declaration of candidacy for the office of coroner or county medical examiner, becomes elected or appointed to such office, must have certification from the American Board of Medicolegal Death Investigators of completion of medicolegal forensic investigation training which complies with national adopted standards pursuant to RCW 43.101.

**NEW SECTION 2. A new section is added to chapter 43.101 RCW to read as follows:**

(1)All elected or appointed coroners, serving as coroners, medical examiners, and all other full time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete a medicolegal forensic investigation training program pursuant to section 3 of RCW 43.101 and obtain certification by the American Board of Medicolegal Death Investigators with in twenty-four months of employment. All other part time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete a medicolegal forensic investigation training program pursuant to section 3 of RCW 43.101 and

obtain certification by the American Board of Medicolegal Death Investigators within thirty-six months of employment unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington association of coroners and medical examiners, shall develop the medicolegal forensic investigation training curriculum and adopt the standards for certification from the American Board of Medicolegal Death Investigators and any exemption from the requirement to complete the medicolegal training academy.

(3) The commission, in conjunction with the Washington association of coroners and medical examiners, must certify successful completion of the medicolegal training curriculum or exemption from the medicolegal training curriculum within sixty days from the receipt of proof of completion or request for exemption.

(a) Exemption is identified for those counties with a population of forty thousand or less.

(4) The medicolegal forensic investigation training required under this section must:

(a) Meet the recommendations of the national commission on forensic science for certification and accreditation; and

(b) Satisfy the requirements for training on the subject of sudden, unexplained child death including, but not limited to, sudden infant death syndrome developed pursuant to RCW 43.103.100, and missing persons protocols pursuant to RCW 43.103.110.

#### **4. Status of sponsorship?**

WACO staff is working with WACME leadership to identify sponsorship.

#### **5. Other / Additional information:**

This legislative proposal has been presented to the WACME membership through virtual meetings and email correspondence. The membership who elected to participate in the proposal development where unanimously in agreement with this legislative direction.

### **2021 PRIORITY BILL / BUDGET REQUEST #2:**

#### **Equitably reimburse county coroner and medical examiner offices for autopsy costs.**

**Purpose of Legislation:** Amend RCW to correct inequity in autopsy reimbursement between county coroner-contracted pathologist services at 45% and employed pathologists, primarily serving in Medical Examiners Offices, currently reimbursed at only 25%. The proposal would raise the reimbursement for employed pathologists to 30%.

#### **Status of Proposal Development:**

**1. Affiliates has considered:**

- ✓ Rationale for legislation as opposed to other remedies?

This is a fix to a bill that was passed that raised the reimbursement fee for coroners, but left off medical examiners.

- ✓ Timely issue / appropriate for particular session / political and fiscal climate?

Funding already in place and waiting for disbursement. Just sets a higher rate in parity with the coroners.

- ✓ Considered potential negative and positive impacts?

The bill was discussed at several meetings.

- ✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

It is a formula fix to an error in RCW

- ✓ Considered potential impact on other affiliates and discussed with them?

No impact on counties with populations less than 40,000. Brings level of Medical Examiner reimbursement up to 5% in parity with coroner counties.

**2. Stakeholders that have expressed interest and/or potential support for this bill?**

Forensic Investigations Council

**3. Status of bill language?**

Below

**Sec. 3. RCW 68.50.104 and 2019 c 317 s 4 are each amended to read as follows:**

(1) The cost of autopsy shall be borne by the county that has jurisdiction, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2) (a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to forty five percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to thirty percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; and

(iii) One hundred percent of the cost of autopsies conducted under RCW 70.54.450.2

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall

be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, that no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

**4. Status of sponsorship?**

WACO staff is working with WACME leadership to identify sponsors.

**5. Other / Additional information:**

This legislative proposal has been presented to the WACME membership through virtual meetings and email correspondence. The membership who elected to participate in the proposal development were unanimously in agreement with this legislative direction.



**2021 Legislative Session  
WACO Priority Legislation and Legislative Relations  
Affiliate Needs Assessment**

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**Affiliate: Washington Association of Prosecuting Attorneys (WAPA)**

**Section 1: Affiliate legislative contacts**

1. Affiliate Legislative Chair(s) for 2021 Session (primary contact for WACO staff related to legislative session):

**Russ Brown, WAPA Executive Director  
Jon Tunheim, Thurston County Prosecutor  
Jim Nagle, Walla Walla County Prosecutor**

2. Affiliate representative(s) with authority to direct WACO staff related to proposed amendments to your priority bills or to communicate your affiliate's position on legislation affecting the affiliate to WACO staff: **Russ Brown, Jon Tunheim, Jim Nagle**

**Section 2: Priority Legislation Request for the 2021 Session**

Information below is essential for both consideration of proposal by full WACO membership as well as helping WACO staff support priority legislation success.

**2021 PRIORITY BILL / BUDGET REQUEST #1:**

**AN ACT Relating to resolution of warrants by persons serving a term of confinement in prison or juvenile rehabilitation; and amending RCW 9.98.010. ("Peeler Fix", last year's SB6270)**

**Purpose of Legislation:** Excludes the time a defendant is spending in jail awaiting trial from the speedy trial time in another county. Avoids dismissal of cases when defendant is charged in multiple counties with multiple crimes and claims the right to a speedy trial in multiple counties at the same time. Solves the problem created by the courts in State v. Peeler. Avoids having to transport defendants between multiple counties for multiple criminal cases multiple times.

**Status of Proposal Development:**

1. **Affiliate has considered:**

✓ Rationale for legislation as opposed to other remedies?

No other remedy. Requires amending current RCW.

✓ Timely issue / appropriate for particular session / political and fiscal climate?

Will save counties money. Will help county jails and corrections; won't have to transport defendants as often.

✓ Considered potential negative and positive impacts?

Will save counties both time and resources as you will not have to transport defendants as often.

✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

✓ Considered potential impact on other affiliates and discussed with them?

**2. Stakeholders that have expressed interest and/or potential support for this bill?**

County Sheriffs

**3. Status of bill language?**

Attached

**4. Status of Sponsorship?**

Senator Darneille sponsored last year, will reach out to her again

**5. Other / Additional information**

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**SUBSTITUTE SENATE BILL 6270**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Hasegawa, Kuderer, Wilson, C., Das, and Nguyen)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to resolution of warrants by persons serving a  
2 term of confinement in prison or juvenile rehabilitation; and  
3 amending RCW 9.98.010.

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

5 **Sec. 1.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to  
6 read as follows:

7 (1) Whenever a person has entered upon a term of imprisonment in  
8 a penal ~~((or))~~, correctional, or juvenile rehabilitation institution  
9 of this state, and whenever during the continuance of the term of  
10 imprisonment there is pending in this state any untried indictment,  
11 information, or complaint against the ~~((prisoner))~~ person, he or she  
12 shall be brought to trial within one hundred twenty days after he or  
13 she shall have caused to be delivered to the prosecuting attorney and  
14 the ~~((superior))~~ court ~~((of the county))~~ in which the indictment,  
15 information, or complaint is pending written notice of the place of  
16 his or her imprisonment and his or her request for a final  
17 disposition to be made of the indictment, information, or  
18 complaint ~~((: PROVIDED, That for))~~. The following time periods shall  
19 be excluded from the one hundred twenty-day calculation:

1 (a) Arraignment, pretrial proceedings, trial, and sentencing on  
2 an unrelated charge in a different country than the court where the  
3 charge is pending;

4 (b) Proceedings related to competency to stand trial on the  
5 pending charge, from the entry of an evaluation order to the entry of  
6 a court order finding the person competent to proceed; and

7 (c) Time during which the person is detained in a federal jail or  
8 prison and subject to conditions of release not imposed by the state  
9 of Washington.

10 (2) The superintendent who provides the certificate under  
11 subsection (4) of this section shall inform any prosecuting attorney  
12 or court requesting transportation of the person to resolve an  
13 untried indictment, information, or complaint of the person's current  
14 location and availability for trial. If the person is unavailable for  
15 transportation due to court proceedings in another county, the  
16 department shall inform the prosecuting attorney or court when the  
17 person becomes available for transportation and provide a new  
18 certificate containing the information under subsection (4) of this  
19 section.

20 (3) For good cause shown in open court, with the ((prisoner))  
21 person or his or her counsel ((shall have)) having the right to be  
22 present, the court having jurisdiction of the matter may grant any  
23 necessary or reasonable continuance.

24 (4) The request of the ((prisoner)) person shall be accompanied  
25 by a certificate of the superintendent having custody of the  
26 ((prisoner)) person, stating the term of commitment under which the  
27 ((prisoner)) person is being held, the time already served, the time  
28 remaining to be served on the sentence, the amount of good time  
29 earned, the ((time of parole eligibility)) earned release date of the  
30 ((prisoner)) person, and any decisions of the indeterminate sentence  
31 review board relating to the ((prisoner)) person.

32 ((+2)) (5) The written notice and request for final disposition  
33 referred to in subsection (1) of this section shall be given or sent  
34 by the ((prisoner)) person to the superintendent having custody of  
35 him or her, who shall promptly forward it together with the  
36 certificate to the appropriate prosecuting attorney and superior,  
37 district, municipal, or juvenile court by certified mail, return  
38 receipt requested.

39 ((+3)) (6) The superintendent having custody of the ((prisoner))  
40 person shall promptly inform him or her in writing of the source and

1 contents of any untried indictment, information, or complaint against  
2 him or her concerning which the superintendent has knowledge and of  
3 his or her right to make a request for final disposition thereof.

4 ~~((4))~~ (7) Escape from custody by the ~~((prisoner))~~ person  
5 subsequent to his or her execution of the request for final  
6 disposition referred to in subsection (1) of this section shall void  
7 the request.

--- END ---

**2021 Legislative Session  
WACO Priority Legislation Proposal**

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**Affiliate: Washington Association of County Treasurers (WSACT)**

**Section 1: Affiliate legislative contacts**

1. Affiliate Legislative Chair(s) for 2021 Session (primary contact for WACO staff related to legislative session): **Jeff Gadman, Thurston County Treasurer**
2. Affiliate representative(s) with authority to direct WACO staff related to proposed amendments to your priority bills or to communicate your affiliate's position on legislation affecting the affiliate to WACO staff: **WSACT President Meredith Green and WSACT Legislative Chair Jeff Gadman**

**Section 2: Priority Legislation Request for the 2020 Session**

Information below is essential for both consideration of proposal by full WACO membership as well as helping WACO staff support priority legislation success.

**2020 PRIORITY BILL / BUDGET REQUEST #1:**

**Equal treatment of real and personal property to provide relief to small businesses and other personal property owners**

**Purpose of Legislation:** Provide equal treatment of personal property and real property by allowing first half plus interest/penalties be paid to become current. This will provide lower cost solutions for delinquent small businesses, and other personal property owners on amount to pay to become current. The current requirement of full year taxes due when delinquent is unfair / inequitable.

**Status of Proposal Development:**

**1. Affiliate has considered:**

- ✓ Rationale for legislation as opposed to other remedies?

Requires amendment to RCW 84.56.020

✓ Timely issue / appropriate for particular session / political and fiscal climate?

Continued changes to bring greater equity in law between real and personal property homeowners. Supporting local business is a priority with the legislature.

✓ Considered potential negative and positive impacts?

Yes. Neutral fiscal impact.

✓ Facts and figures or anecdotes to show concept will fix problem / improve a situation?

During the first several months of COVID-19 small businesses shut down and received no revenue. Many counties provided tax deadline extensions, but RCW remains in place that requires that if they missed their first half payments, the entire year taxes is due. This creates an undue hardship on the small businesses that are the backbone of local economies and communities. As the tax burden of business personal property grows, being able to pay in two installments becomes very important for property owners.

✓ Considered potential impact on other affiliates and discussed with them?

No impact on other affiliates

**2. Stakeholders that have expressed interest and/or potential support for this bill?**

Anticipate support of affordable housing advocates and small business advocates

**3. Status of bill language?**

Attached

**4. Status of sponsorship?**

Representative Tina Orwall

**5. Other / Additional information:**

**RCW 84.56.020**

**Taxes collected by treasurer-Dates of delinquency-Tax statement notice concerning payment by check-Interest-Penalties-Extensions during state of emergency. (Effective until January 1, 2020.)**

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property, personal property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.