
SENATE BILL 5231

State of Washington

56th Legislature

1999 Regular Session

By Senators Hale, Winsley and Snyder

Read first time 01/18/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to duties of the county treasurer pertaining to
2 management of debt; amending RCW 28A.320.300, 28A.320.310, 28A.320.320,
3 36.29.020, 36.48.070, 84.64.050, 84.64.080, and 84.64.120; adding a new
4 section to chapter 36.01 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 28A.320.300 and 1990 c 33 s 335 are each amended to
7 read as follows:

8 Any common school district board of directors is empowered to
9 direct and authorize, and to delegate authority to an employee,
10 officer, or agent of the common school district or the educational
11 service district to direct and authorize, the county treasurer to
12 invest funds described in RCW 28A.320.310 and 28A.320.320 and funds
13 from state and federal sources as are then or thereafter received by
14 the educational service district, and such funds from county sources as
15 are then or thereafter received by the county treasurer, for
16 distribution to the common school districts. Funds from state, county
17 and federal sources which are so invested may be invested only for the
18 period the funds are not required for the immediate necessities of the
19 common school district as determined by the school district board of

1 directors or its delegatee, and shall be invested in behalf of the
2 common school district pursuant to the terms of RCW 28A.320.310,
3 28A.320.320, ~~((or))~~ 36.29.020, 36.29.022, or 36.29.024 as the nature of
4 the funds shall dictate. A grant of authority by a common school
5 district pursuant to this section shall be by resolution of the board
6 of directors and shall specify the duration and extent of the authority
7 so granted. Any authority delegated to an educational service district
8 pursuant to this section may be redelegated pursuant to RCW
9 28A.310.220.

10 **Sec. 2.** RCW 28A.320.310 and 1990 c 33 s 336 are each amended to
11 read as follows:

12 The board of directors of any school district of the state of
13 Washington which now has, or hereafter shall have, funds in the capital
14 projects fund of the district in the office of the county treasurer
15 which in the judgment of said board are not required for the immediate
16 necessities of the district, may invest and reinvest all, or any part,
17 of such funds ~~((in United States securities, as hereinafter specified
18 after and pursuant to a resolution adopted by the board, authorizing
19 and directing the county treasurer, as ex officio the treasurer of said
20 district, to invest or reinvest, said moneys or any designated amount
21 thereof in United States securities and specifying the type or
22 character of the United States securities in which said moneys shall be
23 invested))~~ pursuant to RCW 35.39.030, 36.29.020, 36.29.022, 36.29.024,
24 39.59.020, 39.59.030, and 43.84.080: PROVIDED, That nothing herein
25 authorized, or the type and character of the securities thus specified,
26 shall have in itself the effect of delaying any program of building for
27 which said funds shall have been authorized. Said funds and said
28 securities and the profit and interest thereon, and the proceeds
29 thereof, shall be held by the county treasurer to the credit and
30 benefit of the capital projects fund of the district in the county
31 treasurer's office. ~~((If in the judgment of the board it shall be
32 necessary to redeem or to sell any of the purchased securities before
33 their ultimate maturity date, the board may, by resolution, direct the
34 county treasurer to cause such redemption to be had at the "Redemption
35 Value" of said securities or to sell said bonds and securities at not
36 less than market value and accrued interest. The foregoing
37 "securities" shall include United States bonds, federal treasury notes
38 and treasury bonds and United States certificates of indebtedness and~~

1 other federal securities which may, during the life of this statute,
2 come within the terms of this section.))

3 **Sec. 3.** RCW 28A.320.320 and 1983 c 66 s 1 are each amended to read
4 as follows:

5 The county treasurer, or the trustee, guardian, or any other
6 custodian of any school fund, when authorized to do so by the board of
7 directors of any school district, shall invest or reinvest any school
8 funds of such district in investment ((deposits in any qualified public
9 depository, or any obligations, securities, certificates, notes, bonds,
10 or short term securities or obligations, of the United States))
11 securities pursuant to RCW 36.29.020 and 36.29.022. The county
12 treasurer shall have the power to select the particular investment in
13 which said funds may be invested. All earnings and income from such
14 investments shall inure to the benefit of ((any)) the school fund
15 ((designated by the board of directors of the school district which
16 such board may lawfully designate: PROVIDED, That any interest or
17 earnings being credited to a fund different from that which earned the
18 interest or earnings shall only be expended for instructional supplies,
19 equipment or capital outlay purposes)) for which the investment is
20 made. This section shall apply to all funds which may be lawfully so
21 invested or reinvested which in the judgment of the school board are
22 not required for the immediate necessities of the district.

23 Five percent of the interest or earnings, with an annual minimum of
24 ten dollars or annual maximum of fifty dollars, on any transactions
25 authorized by each resolution of the board of school directors shall be
26 paid as an investment service fee to the office of county treasurer
27 when the interest or earnings becomes available to the school district
28 or pursuant to RCW 36.29.022 and 36.29.024.

29 **Sec. 4.** RCW 36.29.020 and 1997 c 393 s 4 are each amended to read
30 as follows:

31 The county treasurer shall keep all moneys belonging to the state,
32 or to any county, in his or her own possession until disbursed
33 according to law. The county treasurer shall not place the same in the
34 possession of any person to be used for any purpose; nor shall he or
35 she loan or in any manner use or permit any person to use the same; but
36 it shall be lawful for a county treasurer to deposit any such moneys in
37 any regularly designated qualified public depository. Any municipal

1 corporation may by action of its governing body authorize any of its
2 funds which are not required for immediate expenditure, and which are
3 in the custody of the county treasurer or other municipal corporation
4 treasurer, to be invested by such treasurer. The county treasurer may
5 invest in savings or time accounts in designated qualified public
6 depositaries or in certificates, notes, or bonds of the United States,
7 or other obligations of the United States or its agencies, or of any
8 corporation wholly owned by the government of the United States; in
9 bankers' acceptances purchased on the secondary market, in federal home
10 loan bank notes and bonds, federal land bank bonds and federal national
11 mortgage association notes, debentures and guaranteed certificates of
12 participation, or the obligations of any other government sponsored
13 corporation whose obligations are or may become eligible as collateral
14 for advances to member banks as determined by the board of governors of
15 the federal reserve system or deposit such funds or any portion thereof
16 in investment deposits as defined in RCW 39.58.010 secured by
17 collateral in accordance with the provisions of chapters 39.58 and
18 39.59 RCW: PROVIDED, Five percent of the earnings, with an annual
19 maximum of fifty dollars, on each transaction authorized by the
20 governing body shall be paid as an investment service fee to the office
21 of the county treasurer or other municipal corporation treasurer when
22 the earnings become available to the governing body: PROVIDED FURTHER,
23 That if such investment service fee amounts to five dollars or less the
24 county treasurer or other municipal corporation treasurer may waive
25 such fee.

26 If in the judgment of the governing body of the municipal
27 corporation or the county treasurer it is necessary to redeem or to
28 sell any of the purchased securities before their ultimate maturity
29 date, the governing body may, by resolution, direct the county
30 treasurer pursuant to RCW 36.29.010(8) to cause such redemption to be
31 had at the redemption value of the securities or to sell the securities
32 at not less than market value and accrued interest.

33 Whenever the funds of any municipal corporation which are not
34 required for immediate expenditure are in the custody or control of the
35 county treasurer, and the governing body of such municipal corporation
36 has not taken any action pertaining to the investment of any such
37 funds, the county finance committee shall direct the county treasurer,
38 under the investment policy of the county finance committee, to invest,
39 to the maximum prudent extent, such funds or any portion thereof in

1 savings or time accounts in designated qualified public depositaries or
2 in certificates, notes, or bonds of the United States, or other
3 obligations of the United States or its agencies, or of any corporation
4 wholly owned by the government of the United States, in bankers'
5 acceptances purchased on the secondary market, in federal home loan
6 bank notes and bonds, federal land bank bonds and federal national
7 mortgage association notes, debentures and guaranteed certificates of
8 participation, or the obligations of any other government sponsored
9 corporation whose obligations are or may become eligible as collateral
10 for advances to member banks as determined by the board of governors of
11 the federal reserve system or deposit such funds or any portion thereof
12 in investment deposits as defined in RCW 39.58.010 secured by
13 collateral in accordance with the provisions of chapters 39.58 and
14 39.59 RCW: PROVIDED, That the county treasurer shall have the power to
15 select the specific qualified financial institution in which the funds
16 may be invested. The interest or other earnings from such investments
17 or deposits shall be deposited in the current expense fund of the
18 county and may be used for general county purposes. The investment or
19 deposit and disposition of the interest or other earnings therefrom
20 authorized by this paragraph shall not apply to such funds as may be
21 prohibited by the state Constitution from being so invested or
22 deposited.

23 **Sec. 5.** RCW 36.48.070 and 1991 c 245 s 11 are each amended to read
24 as follows:

25 The county treasurer, the county auditor, and the chair of the
26 county legislative authority, ex officio, shall constitute the county
27 finance committee. The county treasurer shall act as chair of the
28 committee and the county auditor as secretary thereof. The committee
29 shall keep a full and complete record of all its proceedings in
30 appropriate books of record and all such records and all correspondence
31 relating to the committee shall be kept in the office of the county
32 auditor and shall be open to public inspection. The committee shall
33 approve county investment policy and a debt policy and shall make
34 appropriate rules and regulations for the carrying out of the
35 provisions of RCW 36.48.010 through 36.48.060, not inconsistent with
36 law.

1 **Sec. 6.** RCW 84.64.050 and 1991 c 245 s 25 are each amended to read
2 as follows:

3 After the expiration of three years from the date of delinquency,
4 when any property remains on the tax rolls for which no certificate of
5 delinquency has been issued, the county treasurer shall proceed to
6 issue certificates of delinquency on the property to the county for all
7 years' taxes, interest, and costs: PROVIDED, That the county
8 treasurer, with the consent of the county legislative authority, may
9 elect to issue a certificate for fewer than all years' taxes, interest,
10 and costs to a minimum of the taxes, interest, and costs for the
11 earliest year.

12 Certificates of delinquency shall be prima facie evidence that:

13 (1) The property described was subject to taxation at the time the
14 same was assessed;

15 (2) The property was assessed as required by law;

16 (3) The taxes or assessments were not paid at any time before the
17 issuance of the certificate;

18 (4) Such certificate shall have the same force and effect as a lis
19 pendens required under chapter 4.28 RCW.

20 The county treasurer may include in the certificate of delinquency
21 any assessments which are due on the property and are the
22 responsibility of the county treasurer to collect. For purposes of
23 this chapter, "taxes, interest, and costs" include any assessments
24 which are so included by the county treasurer, and "interest" means
25 interest and penalties unless the context requires otherwise.

26 The treasurer shall file the certificates when completed with the
27 clerk of the court at no cost to the treasurer, and the treasurer shall
28 thereupon, with legal assistance from the county prosecuting attorney,
29 proceed to foreclose in the name of the county, the tax liens embraced
30 in such certificates. Notice and summons must be served or notice
31 given in a manner reasonably calculated to inform the owner or owners,
32 and any person having a recorded interest in or lien of record upon the
33 property, of the foreclosure action to appear within thirty days after
34 service of such notice and defend such action or pay the amount due.
35 Either (a) personal service upon the owner or owners and any person
36 having a recorded interest in or lien of record upon the property, or
37 (b) publication once in a newspaper of general circulation, which is
38 circulated in the area of the property and mailing of notice by
39 certified mail to the owner or owners and any person having a recorded

1 interest in or lien of record upon the property, or, if a mailing
2 address is unavailable, personal service upon the occupant of the
3 property, if any, is sufficient. If such notice is returned as
4 unclaimed, the treasurer shall send notice by regular first class mail.
5 The notice shall include the legal description on the tax rolls, the
6 year or years for which assessed, the amount of tax and interest due,
7 and the name of owner, or reputed owner, if known, and the notice must
8 include the local street address, if any, for informational purposes
9 only. The certificates of delinquency issued to the county may be
10 issued in one general certificate in book form including all property,
11 and the proceedings to foreclose the liens against the property may be
12 brought in one action and all persons interested in any of the property
13 involved in the proceedings may be made codefendants in the action, and
14 if unknown may be therein named as unknown owners, and the publication
15 of such notice shall be sufficient service thereof on all persons
16 interested in the property described therein, except as provided above.
17 The person or persons whose name or names appear on the treasurer's
18 rolls as the owner or owners of the property shall be considered and
19 treated as the owner or owners of the property for the purpose of this
20 section, and if upon the treasurer's rolls it appears that the owner or
21 owners of the property are unknown, then the property shall be
22 proceeded against, as belonging to an unknown owner or owners, as the
23 case may be, and all persons owning or claiming to own, or having or
24 claiming to have an interest therein, are hereby required to take
25 notice of the proceedings and of any and all steps thereunder:
26 PROVIDED, That prior to the sale of the property, the treasurer shall
27 order or conduct a title search of the property to be sold to determine
28 the legal description of the property to be sold and the record title
29 holder, and if the record title holder or holders differ from the
30 person or persons whose name or names appear on the treasurer's rolls
31 as the owner or owners, the record title holder or holders shall be
32 considered and treated as the owner or owners of the property for the
33 purpose of this section, and shall be entitled to the notice provided
34 for in this section. Such title search shall be included in the costs
35 of foreclosure.

36 The county treasurer shall not sell property which is eligible for
37 deferral of taxes under chapter 84.38 RCW but shall require the owner
38 of the property to file a declaration to defer taxes under chapter
39 84.38 RCW.

1 **Sec. 7.** RCW 84.64.080 and 1991 c 245 s 27 are each amended to read
2 as follows:

3 The court shall examine each application for judgment foreclosing
4 tax lien, and if defense (specifying in writing the particular cause of
5 objection) be offered by any person interested in any of the lands or
6 lots to the entry of judgment against the same, the court shall hear
7 and determine the matter in a summary manner, without other pleadings,
8 and shall pronounce judgment as the right of the case may be; or the
9 court may, in its discretion, continue such individual cases, wherein
10 defense is offered, to such time as may be necessary, in order to
11 secure substantial justice to the contestants therein; but in all other
12 cases the court shall proceed to determine the matter in a summary
13 manner as above specified. In all judicial proceedings of any kind for
14 the collection of taxes, and interest and costs thereon, all amendments
15 which by law can be made in any personal action pending in such court
16 shall be allowed, and no assessments of property or charge for any of
17 the taxes shall be considered illegal on account of any irregularity in
18 the tax list or assessment rolls or on account of the assessment rolls
19 or tax list not having been made, completed or returned within the time
20 required by law, or on account of the property having been charged or
21 listed in the assessment or tax lists without name, or in any other
22 name than that of the owner, and no error or informality in the
23 proceedings of any of the officers connected with the assessment,
24 levying or collection of the taxes, shall vitiate or in any manner
25 affect the tax or the assessment thereof, and any irregularities or
26 informality in the assessment rolls or tax lists or in any of the
27 proceedings connected with the assessment or levy of such taxes or any
28 omission or defective act of any officer or officers connected with the
29 assessment or levying of such taxes, may be, in the discretion of the
30 court, corrected, supplied and made to conform to the law by the court.
31 The court shall give judgment for such taxes, interest and costs as
32 shall appear to be due upon the several lots or tracts described in the
33 notice of application for judgment or complaint, and such judgment
34 shall be a several judgment against each tract or lot or part of a
35 tract or lot for each kind of tax included therein, including all
36 interest and costs, and the court shall order and direct the clerk to
37 make and enter an order for the sale of such real property against
38 which judgment is made, or vacate and set aside the certificate of
39 delinquency or make such other order or judgment as in the law or

1 equity may be just. The order shall be signed by the judge of the
2 superior court, shall be delivered to the county treasurer, and shall
3 be full and sufficient authority for him or her to proceed to sell the
4 property for the sum as set forth in the order and to take such further
5 steps in the matter as are provided by law. The county treasurer shall
6 immediately after receiving the order and judgment of the court proceed
7 to sell the property as provided in this chapter to the highest and
8 best bidder for cash. The acceptable minimum bid shall be the total
9 amount of taxes, interest, ((penalties,)) and costs. All sales shall
10 be made at a location in the county on a date and time (except
11 Saturdays, Sundays, or legal holidays) as the county treasurer may
12 direct, and shall continue from day to day (Saturdays, Sundays, and
13 legal holidays excepted) during the same hours until all lots or tracts
14 are sold, after first giving notice of the time, and place where such
15 sale is to take place for ten days successively by posting notice
16 thereof in three public places in the county, one of which shall be in
17 the office of the treasurer. The notice shall be substantially in the
18 following form:

19 TAX JUDGMENT SALE

20 Public notice is hereby given that pursuant to real property tax
21 judgment of the superior court of the county of in the
22 state of Washington, and an order of sale duly issued by the court,
23 entered the day of,, in proceedings for
24 foreclosure of tax liens upon real property, as per provisions of law,
25 I shall on the day of,, at o'clock
26 a.m., at in the city of, and county of
27, state of Washington, sell the real property to the highest
28 and best bidder for cash, to satisfy the full amount of taxes, interest
29 and costs adjudged to be due.

30 In witness whereof, I have hereunto affixed my hand and seal this
31 day of,

32
33 Treasurer of
34 county.

35 No county officer or employee shall directly or indirectly be a
36 purchaser of such property at such sale.

1 If any buildings or improvements are upon an area encompassing more
2 than one tract or lot, the same must be advertised and sold as a single
3 unit.

4 If the highest amount bid for any such separate unit tract or lot
5 is in excess of the minimum bid due upon the whole property included in
6 the certificate of delinquency, the excess shall be refunded following
7 payment of all water and sewer district liens, on application therefor,
8 to the record owner of the property. The record owner of the property
9 is the person who held title on the date of issuance of the certificate
10 of delinquency. In the event no claim for the excess is received by
11 the county treasurer within three years after the date of the sale he
12 or she shall at expiration of the three year period deposit such excess
13 in the current expense fund of the county. The county treasurer shall
14 execute to the purchaser of any piece or parcel of land a tax deed.
15 The deed so made by the county treasurer, under the official seal of
16 his or her office, shall be recorded in the same manner as other
17 conveyances of real property, and shall vest in the grantee, his or her
18 heirs and assigns the title to the property therein described, without
19 further acknowledgment or evidence of such conveyance, and shall be
20 substantially in the following form:

21 State of Washington |
22 | ss.
23 County of |

24 This indenture, made this day of,,
25 between, as treasurer of county, state of
26 Washington, party of the first part, and, party of the
27 second part:

28 Witnesseth, that, whereas, at a public sale of real property held
29 on the day of,, pursuant to a real property
30 tax judgment entered in the superior court in the county of
31 on the day of,, in proceedings to foreclose
32 tax liens upon real property and an order of sale duly issued by the
33 court, duly purchased in compliance with the laws of the
34 state of Washington, the following described real property, to wit:
35 (Here place description of real property conveyed) and that the
36 has complied with the laws of the state of Washington
37 necessary to entitle (him, or her or them) to a deed for the real
38 property.

1 Now, therefore, know ye, that, I, county treasurer of
2 the county of, state of Washington, in consideration of the
3 premises and by virtue of the statutes of the state of Washington, in
4 such cases provided, do hereby grant and convey unto, his
5 or her heirs and assigns, forever, the real property hereinbefore
6 described.

7 Given under my hand and seal of office this day of
8, A.D.

9
10 County Treasurer.

11 **Sec. 8.** RCW 84.64.120 and 1991 c 245 s 28 are each amended to read
12 as follows:

13 Appellate review of the judgment of the superior court may be
14 sought as in other civil cases. However, review must be sought
15 within thirty days after the entry of the judgment and the party
16 taking such appeal shall deposit a sum equal to all taxes, interest,
17 (~~penalties,~~) and costs with the clerk of the court, conditioned
18 that the appellant shall prosecute the appeal with effect, and will
19 pay the amount of any taxes, interest and costs which may be finally
20 adjudged against the real property involved in the appeal by any
21 court having jurisdiction of the cause. No appeal shall be allowed
22 from any judgment for the sale of land or lot for taxes unless the
23 party taking such appeal shall before the time of giving notice of
24 such appeal, and within thirty days herein allowed within which to
25 appeal, deposit with the clerk of the court of the county in which
26 the land or lots are situated, an amount of money equal to the amount
27 of the judgment and costs rendered in such cause by the trial court.
28 If, in case of an appeal, the judgment of the lower court shall be
29 affirmed, in whole or in part, the supreme court or the court of
30 appeals shall enter judgment for the amount of taxes, interest and
31 costs, with damages not to exceed twenty percent, and shall order
32 that the amount deposited with the clerk of the court, or so much
33 thereof as may be necessary, be credited upon the judgment so
34 rendered, and execution shall issue for the balance of the judgment,
35 damages and costs. The clerk of the supreme court or the clerk of
36 the division of the court of appeals in which the appeal is pending
37 shall transmit to the county treasurer of the county in which the
38 land or lots are situated a certified copy of the order of

1 affirmance, and it shall be the duty of such county treasurer upon
2 receiving the same to apply so much of the amount deposited with the
3 clerk of the court, as shall be necessary to satisfy the amount of
4 the judgment of the supreme court, and to account for the same as
5 collected taxes. If the judgment of the superior court shall be
6 reversed and the cause remanded for a rehearing, and if, upon a
7 rehearing, judgment shall be rendered for the sale of the land or
8 lots for taxes, or any part thereof, and such judgment be not
9 appealed from, as herein provided, the clerk of such superior court
10 shall certify to the county treasurer the amount of such judgment,
11 and thereupon it shall be the duty of the county treasurer to certify
12 to the county clerk the amount deposited with the clerk of the court,
13 and the county clerk shall credit such judgment with the amount of
14 such deposit, or so much thereof as will satisfy the judgment, and
15 the county treasurer shall be chargeable and accountable for the
16 amount so credited as collected taxes. Nothing herein shall be
17 construed as requiring an additional deposit in case of more than one
18 appeal being prosecuted in (~~{the}~~) the proceeding. If, upon a
19 final hearing, judgment shall be refused for the sale of the land or
20 lots for the taxes, (~~{penalties,}~~) interest, and costs, or any part
21 thereof, in the proceedings, the county treasurer shall pay over to
22 the party who shall have made such deposit, or his or her legally
23 authorized agent or representative, the amount of the deposit, or so
24 much thereof as shall remain after the satisfaction of the judgment
25 against the land or lots in respect to which such deposit shall have
26 been made.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.01
28 RCW to read as follows:

29 The county legislative authority of any county that receives
30 payment in lieu of taxes and payment equal to taxes funds from the
31 United States department of energy under section 168 of the federal
32 atomic energy act of 1954 and nuclear waste policy act of 1982 and
33 that has an agreed settlement or a joint stipulation dated before
34 January 1, 1998, which agreed settlement or joint stipulation
35 includes funds designated for state schools, may direct the county
36 treasurer to distribute those designated funds to reduce the
37 outstanding debt of the school districts within the county. Any such
38 funds shall be divided among the school districts based upon the same

1 percentages that each district's current assessed valuation is of the
2 total assessed value for all eligible school districts if the
3 district has outstanding debt that equals or exceeds the amount of
4 its distribution. If the district does not have outstanding debt
5 that equals or exceeds the amount of its distribution, any amount
6 above the outstanding debt shall be reallocated to the remaining
7 eligible districts. Any funds received before January 1, 1999, shall
8 be distributed using the percentages calculated for 1998. The county
9 treasurer shall apply the funds to any outstanding debt obligation
10 selected by the respective school districts.

11 NEW SECTION. **Sec. 10.** Section 5 of this act takes effect
12 January 1, 2000.

--- END ---