

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2411

Chapter 106, Laws of 1998

55th Legislature
1998 Regular Session

COUNTY TREASURERS--POWERS AND DUTIES

EFFECTIVE DATE: 6/11/98

Passed by the House March 7, 1998
Yeas 95 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved March 23, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2411** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 23, 1998 - 4:20 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2411

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives Alexander, Wolfe, D. Schmidt, DeBolt, Gardner, D. Sommers and Thompson)

Read first time 01/27/98. Referred to Committee on .

1 AN ACT Relating to functions of county treasurers; amending RCW
2 35.13.270, 35A.14.801, 36.29.010, 36.29.160, 57.16.110, 36.48.010,
3 39.46.110, 39.50.010, 57.08.081, 82.45.180, 84.04.060, 84.64.220,
4 84.64.300, 84.64.330, 84.64.340, 84.64.350, 84.64.380, 84.64.420,
5 84.64.430, 84.64.440, and 36.35.070; adding a new section to chapter
6 82.46 RCW; adding new sections to chapter 36.35 RCW; recodifying RCW
7 84.64.220, 84.64.230, 84.64.270, 84.64.300, 84.64.310, 84.64.320,
8 84.64.330, 84.64.340, 84.64.350, 84.64.360, 84.64.370, 84.64.380,
9 84.64.390, 84.64.400, 84.64.410, 84.64.420, 84.64.430, 84.64.440,
10 84.64.450, and 84.64.460; and repealing RCW 36.35.030, 36.35.040,
11 36.35.050, and 36.35.060.

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

13 **Sec. 1.** RCW 35.13.270 and 1965 c 7 s 35.13.270 are each amended to
14 read as follows:

15 Whenever any territory is annexed to a city or town which is part
16 of a road district of the county and road district taxes have been
17 levied but not collected on any property within the annexed territory,
18 the same shall when collected by the county treasurer be paid to the
19 city or town and by the city or town placed in the city or town street

1 fund: PROVIDED, That this section shall not apply to any special
2 assessments due in behalf of such property. The city or town is
3 required to provide notification, by certified mail, that includes a
4 list of annexed parcel numbers, to the county treasurer and assessor at
5 least thirty days before the effective date of the annexation. The
6 county treasurer is only required to remit to the city or town those
7 road taxes collected thirty days or more after receipt of the
8 notification.

9 **Sec. 2.** RCW 35A.14.801 and 1971 ex.s. c 251 s 14 are each amended
10 to read as follows:

11 Whenever any territory is annexed to a code city which is part of
12 a road district of the county and road district taxes have been levied
13 but not collected on any property within the annexed territory, the
14 same shall when collected by the county treasurer be paid to the code
15 city and by the city placed in the city street fund: PROVIDED, That
16 this section shall not apply to any special assessments due in behalf
17 of such property. The code city is required to provide notification,
18 by certified mail, that includes a list of annexed parcel numbers, to
19 the county treasurer and assessor at least thirty days before the
20 effective date of the annexation. The county treasurer is only
21 required to remit to the code city those road taxes collected thirty or
22 more days after receipt of the notification.

23 **Sec. 3.** RCW 36.29.010 and 1995 c 38 s 4 are each amended to read
24 as follows:

25 The county treasurer:

26 (1) Shall receive all money due the county and disburse it on
27 warrants issued and attested by the county auditor and electronic funds
28 transfer under RCW 39.58.750 as attested by the county auditor;

29 (2) Shall issue a receipt in duplicate for all money received other
30 than taxes; the treasurer shall deliver immediately to the person
31 making the payment the original receipt and the duplicate shall be
32 retained by the treasurer;

33 (3) Shall affix on the face of all paid warrants the date of
34 redemption or, in the case of proper contract between the treasurer and
35 a qualified public depository, the treasurer may consider the date
36 affixed by the financial institution as the date of redemption;

1 (4) Shall indorse, before the date of issue by the county or by any
2 taxing district for whom the county treasurer acts as treasurer, on the
3 face of all warrants for which there are not sufficient funds for
4 payment, "interest bearing warrant." When there are funds to redeem
5 outstanding warrants, the county treasurer shall give notice:

6 (a) By publication in a legal newspaper published or circulated in
7 the county; or

8 (b) By posting at three public places in the county if there is no
9 such newspaper; or

10 (c) By notification to the financial institution holding the
11 warrant;

12 (5) Shall pay interest on all interest-bearing warrants from the
13 date of issue to the date of notification;

14 (6) Shall maintain financial records reflecting receipts and
15 disbursement by fund in accordance with generally accepted accounting
16 principles;

17 (7) Shall account for and pay all bonded indebtedness for the
18 county and all special districts for which the county treasurer acts as
19 treasurer;

20 (8) Shall invest all funds of the county or any special district in
21 the treasurer's custody, not needed for immediate expenditure, in a
22 manner consistent with appropriate statutes. If cash is needed to
23 redeem warrants issued from any fund in the custody of the treasurer,
24 the treasurer shall liquidate investments in an amount sufficient to
25 cover such warrant redemptions; and

26 (9) May provide certain collection services for county departments.

27 The treasurer, at the expiration of the term of office, shall make
28 a complete settlement with the county legislative authority, and shall
29 deliver to the successor all public money, books, and papers in the
30 treasurer's possession.

31 **Sec. 4.** RCW 36.29.160 and 1996 c 230 s 1607 are each amended to
32 read as follows:

33 The county treasurer shall make segregation, collect, and receive
34 from any owner or owners of any subdivision or portion of any lot,
35 tract or parcel of land upon which assessments or charges have been
36 made or may be made (~~hereafter in~~) by public utility districts,
37 water-sewer districts, or the county (~~road improvement districts~~),
38 under the terms of Title 54 RCW, Title 57 RCW, or chapter 36.88, 36.89,

1 or 36.94 RCW, such portion of the assessments or charges levied or to
2 be levied against such lot, tract or parcel of land in payment of such
3 assessment or charges as the board of commissioners of the public
4 utility district, the water-sewer district commissioners or the board
5 of county commissioners, respectively, shall certify to be chargeable
6 to such subdivision, which certificate shall state that such property
7 as segregated is sufficient security for the assessment or charges.
8 Upon making collection upon any such subdivision the county treasurer
9 shall note such payment upon his records and give receipt therefor.
10 When a segregation is required, a certified copy of the resolution
11 shall be delivered to the treasurer of the county in which the real
12 property is located who shall proceed to make the segregation ordered
13 upon being tendered a fee of three dollars for each tract of land for
14 which a segregation is to be made.

15 **Sec. 5.** RCW 57.16.110 and 1996 c 230 s 610 are each amended to
16 read as follows:

17 Whenever any land against which there has been levied any special
18 assessment by any district shall have been sold in part or subdivided,
19 the board of commissioners of the district shall have the power to
20 order a segregation of the assessment.

21 Any person desiring to have a special assessment against a tract of
22 land segregated to apply to smaller parts thereof shall apply to the
23 board of commissioners of the district that levied the assessment. If
24 the commissioners determine that a segregation should be made, they
25 shall by resolution order the treasurer of the county in which the real
26 property is located to make segregation on the original assessment roll
27 as directed in the resolution. The segregation shall be made as nearly
28 as possible on the same basis as the original assessment was levied,
29 and the total of the segregated parts of the assessment shall equal the
30 assessment before segregation. The resolution shall describe the
31 original tract and the amount and date of the original assessment, and
32 shall define the boundaries of the divided parts and the amount of the
33 assessment chargeable to each part. A certified copy of the resolution
34 shall be delivered to the treasurer of the county in which the real
35 property is located who shall proceed to make the segregation (~~ordered~~
36 ~~upon being tendered a fee of three dollars for each tract of land for~~
37 ~~which a segregation is to be made. In addition to the charge~~). The
38 board of commissioners may require as a condition to the order of

1 segregation that the person seeking it pay the district the reasonable
2 engineering and clerical costs incident to making the segregation.

3 **Sec. 6.** RCW 36.48.010 and 1984 c 177 s 8 are each amended to read
4 as follows:

5 Each county treasurer shall annually at the end of each fiscal year
6 or at such other times as may be deemed necessary, designate one or
7 more financial institutions in the state which are qualified public
8 depositories as set forth by the public deposit protection commission
9 as depository or depositories for all public funds held and required to
10 be kept by (~~him as such~~) the treasurer, and no county treasurer shall
11 deposit any public money in financial institutions, except as herein
12 provided. Public funds of the county or a special district for which
13 the county treasurer acts as its treasurer may only be deposited in
14 bank accounts authorized by the treasurer or authorized in statute.
15 All bank card depository service contracts for the county and special
16 districts for which the county treasurer acts as its treasurer must be
17 authorized by the county treasurer.

18 **Sec. 7.** RCW 39.46.110 and 1995 c 38 s 8 are each amended to read
19 as follows:

20 (1) General obligation bonds of local governments shall be subject
21 to this section. Unless otherwise stated in law, the maximum term of
22 any general obligation bond issue shall be forty years.

23 (2) General obligation bonds constitute an indebtedness of the
24 local government issuing the bonds that are subject to the indebtedness
25 limitations provided in Article VIII, section 6 of the state
26 Constitution and are payable from tax revenues of the local government
27 and such other money lawfully available and pledged or provided by the
28 governing body of the local government for that purpose. Such
29 governing body may pledge the full faith, credit and resources of the
30 local government for the payment of general obligation bonds. The
31 payment of such bonds shall be enforceable in mandamus against the
32 local government and its officials. The officials now or hereafter
33 charged by law with the duty of levying taxes pledged for the payment
34 of general obligation bonds and interest thereon shall, in the manner
35 provided by law, make an annual levy of such taxes sufficient together
36 with other moneys lawfully available and pledge therefor to meet the

1 payments of principal and interest on (~~said~~) the bonds as they come
2 due.

3 (3) General obligation bonds, whether or not issued as physical
4 instruments, shall be executed in the manner determined by the
5 governing body or legislative body of the issuer. If the issuer is the
6 county or a special district for which the county treasurer is the
7 treasurer, the issuer shall notify the county treasurer at least thirty
8 days in advance of authorizing the issuance of bonds or the incurrence
9 of other certificates of indebtedness.

10 (4) Unless another statute specifically provides otherwise, the
11 owner of a general obligation bond, or the owner of an interest coupon,
12 issued by a local government shall not have any claim against the state
13 arising from the general obligation bond or interest coupon.

14 (5) As used in this section, the term "local government" means
15 every unit of local government, including municipal corporations, quasi
16 municipal corporations, and political subdivisions, where property
17 ownership is not a prerequisite to vote in the local government's
18 elections.

19 **Sec. 8.** RCW 39.50.010 and 1985 c 332 s 8 are each amended to read
20 as follows:

21 As used in this chapter, the following terms have the meanings
22 indicated unless the context clearly requires otherwise.

23 (1) "Governing body" means the legislative authority of a municipal
24 corporation by whatever name designated;

25 (2) "Local improvement district" includes local improvement
26 districts, utility local improvement districts, road improvement
27 districts, and other improvement districts that a municipal corporation
28 is authorized by law to establish;

29 (3) "Municipal corporation" means any city, town, county, water
30 district, sewer district, school district, port district, public
31 utility district, metropolitan municipal corporation, public
32 transportation benefit area, park and recreation district, irrigation
33 district, (~~or~~) fire protection district or any other municipal or
34 quasi municipal corporation described as such by statute, or regional
35 transit authority, except joint operating agencies under chapter 43.52
36 RCW;

37 (4) "Ordinance" means an ordinance of a city or town or resolution
38 or other instrument by which the governing body of the municipal

1 corporation exercising any power under this chapter takes formal action
2 and adopts legislative provisions and matters of some permanency; and
3 (5) "Short-term obligations" are warrants, notes, or other
4 evidences of indebtedness, except bonds.

5 **Sec. 9.** RCW 57.08.081 and 1997 c 447 s 19 are each amended to read
6 as follows:

7 The commissioners of any district shall provide for revenues by
8 fixing rates and charges for furnishing sewer and drainage service and
9 facilities to those to whom service is available or for providing
10 water, such rates and charges to be fixed as deemed necessary by the
11 commissioners, so that uniform charges will be made for the same class
12 of customer or service and facility. Rates and charges may be combined
13 for the furnishing of more than one type of sewer or drainage service
14 and ((~~facility such as but not limited to storm or surface water and~~
15 ~~sanitary~~)) facilities.

16 In classifying customers of such water, sewer, or drainage system,
17 the board of commissioners may in its discretion consider any or all of
18 the following factors: The difference in cost to various customers;
19 the location of the various customers within and without the district;
20 the difference in cost of maintenance, operation, repair, and
21 replacement of the various parts of the system; the different character
22 of the service furnished various customers; the quantity and quality of
23 the service and facility furnished; the time of its use; the
24 achievement of water conservation goals and the discouragement of
25 wasteful practices; capital contributions made to the system including
26 but not limited to assessments; and any other matters which present a
27 reasonable difference as a ground for distinction. Rates shall be
28 established as deemed proper by the commissioners and as fixed by
29 resolution and shall produce revenues sufficient to take care of the
30 costs of maintenance and operation, revenue bond and warrant interest
31 and principal amortization requirements, and all other charges
32 necessary for efficient and proper operation of the system.

33 The commissioners shall enforce collection of connection charges,
34 and rates and charges for water supplied against property owners
35 connecting with the system or receiving such water, and for sewer and
36 drainage services charged against property to which and its owners to
37 whom the service is available, such charges being deemed charges
38 against the property served, by addition of penalties of not more than

1 ten percent thereof in case of failure to pay the charges at times
2 fixed by resolution. The commissioners may provide by resolution that
3 where either connection charges or rates and charges for services
4 supplied are delinquent for any specified period of time, the district
5 shall certify the delinquencies to the (~~treasurer~~) auditor of the
6 county in which the real property is located, and the charges and any
7 penalties added thereto and interest thereon at the rate of not more
8 than the prime lending rate of the district's bank plus four percentage
9 points per year shall be a lien against the property upon which the
10 service was received, subject only to the lien for general taxes.

11 The district may, at any time after the connection charges or rates
12 and charges for services supplied or available and penalties are
13 delinquent for a period of sixty days, bring suit in foreclosure by
14 civil action in the superior court of the county in which the real
15 property is located. The court may allow, in addition to the costs and
16 disbursements provided by statute, attorneys' fees, title search and
17 report costs, and expenses as it adjudges reasonable. The action shall
18 be in rem, and may be brought in the name of the district against an
19 individual or against all of those who are delinquent in one action.
20 The laws and rules of the court shall control as in other civil
21 actions.

22 In addition to the right to foreclose provided in this section, the
23 district may also cut off all or part of the service after charges for
24 water or sewer service supplied or available are delinquent for a
25 period of sixty days.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 82.46 RCW
27 to read as follows:

28 A county, city, or town that imposes an excise tax under this
29 chapter must provide the county treasurer with a copy of the ordinance
30 or other action initially authorizing the tax or altering the rate of
31 the tax that is imposed at least sixty days before change becomes
32 effective.

33 **Sec. 11.** RCW 82.45.180 and 1993 sp.s. c 25 s 510 are each amended
34 to read as follows:

35 (1) For taxes collected by the county under this chapter, the
36 county treasurer shall collect a two-dollar fee on all transactions
37 required by this chapter where the transaction does not require the

1 payment of tax. A total of two dollars shall be collected in the form
2 of a tax and fee, where the calculated tax payment is less than two
3 dollars. The county treasurer shall place one percent of the proceeds
4 of the tax imposed by this chapter and the treasurer's fee in the
5 county current expense fund to defray costs of collection and shall pay
6 over to the state treasurer and account to the department of revenue
7 for the remainder of the proceeds at the same time the county treasurer
8 remits funds to the state under RCW 84.56.280. The state treasurer
9 shall deposit the proceeds in the general fund for the support of the
10 common schools.

11 (2) For taxes collected by the department of revenue under this
12 chapter, the department shall remit the tax to the state treasurer who
13 shall deposit the proceeds of any state tax in the general fund for the
14 support of the common schools. The state treasurer shall deposit the
15 proceeds of any local taxes imposed under chapter 82.46 RCW in the
16 local real estate excise tax account hereby created in the state
17 treasury. Moneys in the local real estate excise tax account may be
18 spent only for distribution to counties, cities, and towns imposing a
19 tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all
20 earnings of investments of balances in the local real estate excise tax
21 account shall be credited to the local real estate excise tax account
22 and distributed to the counties, cities, and towns monthly. Monthly
23 the state treasurer shall make distribution from the local real estate
24 excise tax account to the counties, cities, and towns the amount of tax
25 collected on behalf of each taxing authority. The state treasurer
26 shall make the distribution under this subsection without
27 appropriation.

28 **Sec. 12.** RCW 84.04.060 and 1961 c 15 s 84.04.060 are each amended
29 to read as follows:

30 "Money" or "moneys" shall be held to mean (~~gold and silver coin,~~
31 ~~gold and silver certificates, treasury notes, United States notes, and~~
32 ~~bank notes~~) coin or paper money issued by the United States
33 government.

34 **Sec. 13.** RCW 84.64.220 and 1961 c 15 s 84.64.220 are each amended
35 to read as follows:

36 All property deeded to the county under the provisions of this
37 chapter shall be stricken from the tax rolls as county property and

1 exempt from taxation and shall not be again assessed or taxed while the
2 property of the county. The sale, management, and leasing of tax title
3 property shall be handled as under chapter 36.35 RCW.

4 **Sec. 14.** RCW 84.64.300 and 1961 c 15 s 84.64.300 are each amended
5 to read as follows:

6 The county treasurer shall upon payment to ~~((him))~~ the county
7 treasurer of the purchase price for ~~((said))~~ the property and any
8 interest due, make and execute under ~~((his))~~ the county treasurer's
9 hand and seal, and issue to the purchaser, a deed in the following form
10 for any lots or parcels of real property sold under the provisions of
11 RCW 84.64.270 (as recodified by this act).

12 State of Washington |
13 } ss.
14 County of |

15 This indenture, made this day of, ~~((19.))~~
16 . . . (year) . . ., between, as treasurer of
17 county, state of Washington, the party of the first part, and
18, party of the second part.

19 WITNESSETH, That whereas, at a public sale of real property, held
20 on the day of, ~~((A.D., 19.))~~ . . . (year) . . .,
21 pursuant to an order of the ~~((board of county commissioners))~~ county
22 legislative authority of the county of, state of
23 Washington, duly made and entered, and after having first given due
24 notice of the time and place and terms of ~~((said))~~ the sale, and,
25 whereas, in pursuance of ~~((said))~~ the order of the ~~((said board of~~
26 ~~county commissioners))~~ county legislative authority, and of the laws of
27 the state of Washington, and for and in consideration of the sum of
28 dollars, lawful money of the United States of America, to
29 me in hand paid, the receipt whereof is hereby acknowledged, I have
30 this day sold to the following described real property, and
31 which ~~((said))~~ the real property is the property of county,
32 and which is particularly described as follows, to wit:
33, the ~~((said))~~ being the highest and best
34 bidder at ~~((said))~~ the sale, and the ~~((said))~~ sum being the highest and
35 best sum bid at ~~((said))~~ the sale;

36 NOW, THEREFORE, Know ye that I,, county treasurer of
37 ~~((said))~~ the county of, state of Washington, in

1 consideration of the premises and by virtue of the statutes of the
2 state of Washington, in such cases made and provided, do hereby grant
3 and convey unto, heirs and assigns, forever, the ((said))
4 real property hereinbefore described, as fully and completely as
5 ((said)) the party of the first part can by virtue of the premises
6 convey the same.

7 Given under my hand and seal of office this day of
8, ((A.D. 19 . . .)) . . (year) . .

9
10 County Treasurer,

11 By

12 Deputy:

13 PROVIDED, That when by order of the ((~~board of county commissioners~~))
14 county legislative authority any of the minerals or other resources
15 enumerated in RCW 84.64.270 (as recodified by this act) are reserved,
16 the deed or contract of purchase shall contain the following
17 reservation:

18 The party of the first part hereby expressly saves, excepts and
19 reserves out of the grant hereby made, unto itself, its successors, and
20 assigns, forever, all oils, gases, coals, ores, minerals, gravel,
21 timber and fossils of every name, kind or description, and which may be
22 in or upon ((said)) the lands above described; or any part thereof, and
23 the right to explore the same for such oils, gases, coal, ores,
24 minerals, gravel, timber and fossils; and it also hereby expressly
25 saves reserves out of the grant hereby made, unto itself, its
26 successors and assigns, forever, the right to enter by itself, its
27 agents, attorneys and servants upon ((said)) the lands, or any part or
28 parts thereof, at any and all times, for the purpose of opening,
29 developing and working mines thereon, and taking out and removing
30 therefrom all such oils, gases, coal, ores, minerals, gravel, timber
31 and fossils, and to that end it further expressly reserves out of the
32 grant hereby made, unto itself, its successors and assigns, forever,
33 the right by it or its agents, servants and attorneys at any and all
34 times to erect, construct, maintain and use all such buildings,
35 machinery, roads and railroads, sink such shafts, remove such oil, and
36 to remain on ((said)) the lands or any part thereof, for the business
37 of mining and to occupy as much of ((said)) the lands as may be
38 necessary or convenient for the successful prosecution of such mining
39 business, hereby expressly reserving to itself, its successors and

1 assigns, as aforesaid, generally, all rights and powers in, to and
2 over, ((said)) the land, whether herein expressed or not, reasonably
3 necessary or convenient to render beneficial and efficient the complete
4 enjoyment of the property and the rights hereby expressly reserved. No
5 rights shall be exercised under the foregoing reservation, by the
6 county, its successors or assigns, until provision has been made by the
7 county, its successors or assigns, to pay to the owner of the land upon
8 which the rights herein reserved to the county, its successors or
9 assigns, are sought to be exercised, full payment for all damages
10 sustained by ((said)) the owner, by reason of entering upon ((said))
11 the land: PROVIDED, That if ((said)) the owner from any cause whatever
12 refuses or neglects to settle ((said)) the damages, then the county,
13 its successors or assigns, or any applicant for a lease or contract
14 from the county for the purpose of prospecting for or mining valuable
15 minerals, or operation contract, or lease, for mining coal, or lease
16 for extracting petroleum or natural gas, shall have the right to
17 institute such legal proceedings in the superior court of the county
18 wherein the land is situated, as may be necessary to determine the
19 damages which ((said)) the owner of ((said)) the land may suffer:
20 PROVIDED, The county treasurer shall cross out of such reservation any
21 of ((said)) the minerals or other resources which were not reserved by
22 order of the ((said-board)) county legislative authority.

23 **Sec. 15.** RCW 84.64.330 and 1961 c 15 s 84.64.330 are each amended
24 to read as follows:

25 In any and all instances in this state in which a treasurer's deed
26 to real property has been or shall be issued to the county in
27 proceedings to foreclose the lien of general taxes, and for any reason
28 a defect in title exists or adverse claims against the same have not
29 been legally determined, the county or its successors in interest or
30 assigns shall have authority to institute an action in the superior
31 court in ((said)) the county to correct such defects, and to determine
32 such adverse claims and the priority thereof as provided in RCW
33 84.64.330 through 84.64.440 ((provided)) (as recodified by this act).

34 **Sec. 16.** RCW 84.64.340 and 1961 c 15 s 84.64.340 are each amended
35 to read as follows:

36 The county or its successors in interest or assigns shall have
37 authority to include in one action any and all tracts of land in which

1 plaintiff or plaintiffs in such action, jointly or severally, has or
2 claims to have an interest. Such action shall be one in rem as against
3 every right and interest in and claim against any and every part of the
4 real property involved, except so much thereof as may be at the time
5 the summons and notice is filed with the clerk of the superior court in
6 the actual, open and notorious possession of any person or corporation,
7 and then except only as to the interest claimed by such person so in
8 possession: PROVIDED, That the possession required under the
9 provisions of RCW 84.64.330 through 84.64.440 (as recodified by this
10 act) shall be construed to be that by personal occupancy only, and not
11 merely by representation or in contemplation of law. No person, firm
12 or corporation claiming an interest in or to such lands need be
13 specifically named in the summons and notice, except as in RCW
14 84.64.330 through 84.64.440 (~~(provided)~~) (as recodified by this act),
15 and no pleadings other than the summons and notice and the written
16 statements of those claiming a right, title and interest in and to the
17 property involved shall be required.

18 **Sec. 17.** RCW 84.64.350 and 1961 c 15 s 84.64.350 are each amended
19 to read as follows:

20 Upon filing a copy of the summons and notice in the office of the
21 county clerk, service thereof as against every interest in and claim
22 against any and every part of the property described in such summons
23 and notice, and every person, firm, or corporation, except one who is
24 in the actual, open and notorious possession of any of (~~said~~) the
25 properties, shall be had by publication in the official county
26 newspaper for six consecutive weeks; and no affidavit for publication
27 of such summons and notice shall be required. In case (~~there are~~
28 ~~outstanding local improvement~~) special assessments imposed by a city
29 or town against any of the real property described in the summons and
30 notice remain outstanding, a copy of the same shall be served on the
31 treasurer of the city or town within which such real property is
32 situated within five days after such summons and notice is filed.

33 The summons and notice in such action shall contain the title of
34 the court; specify in general terms the years for which the taxes were
35 levied and the amount of the taxes and the costs for which each tract
36 of land was sold; give the legal description of each tract of land
37 involved, and the tax record owner thereof during the years in which
38 the taxes for which the property was sold were levied; state that the

1 purpose of the action is to foreclose all adverse claims of every
2 nature in and to the property described, and to have the title of
3 existing liens and claims of every nature against ~~((said))~~ the
4 described real property, except that of the county, forever barred.

5 ~~((Said))~~ The summons and notice shall also summon all persons,
6 firms and corporations claiming any right, title and interest in and to
7 ~~((said))~~ the described real property to appear within sixty days after
8 the date of the first publication, specifying the day and year, and
9 state in writing what right, title and interest they have or claim to
10 have in and to the property described, and file the same with the clerk
11 of the court above named; and shall notify them that in case of their
12 failure so to do, judgment will be rendered determining that the title
13 to ~~((said))~~ the real property is in the county free from all existing
14 adverse interests, rights or claims whatsoever: PROVIDED, That in case
15 any of the lands involved is in the actual, open and notorious
16 possession of anyone at the time the summons and notice is filed, as
17 herein provided, a copy of the same modified as herein specified shall
18 be served personally upon such person in the same manner as summons is
19 served in civil actions generally. ~~((Said))~~ The summons shall be
20 substantially in the form above outlined, except that in lieu of the
21 statement relative to the date and day of publication it shall require
22 the person served to appear within twenty days after the day of
23 service, exclusive of the date of service, and that the day of service
24 need not be specified therein, and except further that the recitals
25 regarding the amount of the taxes and costs and the years the same were
26 levied, the legal description of the land and the tax record owner
27 thereof may be omitted except as to the land occupied by the persons
28 served.

29 Every summons and notice provided for in RCW 84.64.330 through
30 84.64.440 (as recodified by this act) shall be subscribed by the
31 prosecuting attorney of the county, or by any successor or assign of
32 the county or his attorney, as the case may be, followed by ~~((his))~~ the
33 post office address of the successor or assign.

34 **Sec. 18.** RCW 84.64.380 and 1961 c 15 s 84.64.380 are each amended
35 to read as follows:

36 The right of action of the county, its successors or assigns, under
37 RCW 84.64.330 through 84.64.440 (as recodified by this act) shall rest
38 on the validity of the taxes involved, and the plaintiff shall be

1 required to prove only the amount of the former judgment foreclosing
2 the lien thereof, together with the costs of the foreclosure and sale
3 of each tract of land for (~~said~~) the taxes, and all the presumptions
4 in favor of the tax foreclosure sale and issuance of treasurer's deed
5 existing by law shall obtain in (~~said~~) the action.

6 **Sec. 19.** RCW 84.64.420 and 1961 c 15 s 84.64.420 are each amended
7 to read as follows:

8 Nothing in RCW 84.64.330 through 84.64.440 (as recodified by this
9 act) contained shall be construed to deprive any city (~~(or)~~), town, or
10 other unit of local government that imposed special assessments on the
11 property by including the property in a local improvement or special
12 assessment district of its right to reimbursement for special
13 assessments out of any surplus over and above the taxes, interest and
14 costs involved.

15 **Sec. 20.** RCW 84.64.430 and 1961 c 15 s 84.64.430 are each amended
16 to read as follows:

17 That in all cases where any county of the state of Washington has
18 perfected title to real estate owned by (~~such~~) the county, under the
19 provisions of RCW 84.64.330 through 84.64.420 (as recodified by this
20 act) and resells the same or part thereof, it shall give to the
21 purchaser a warranty deed in substantially the following form:

22 STATE OF WASHINGTON }
23 } ss.
24 County of }

25 This indenture, made this day of (~~19--~~)
26 . . (year) . ., between as treasurer of county,
27 state of Washington, the party of the first part, and ,
28 party of the second part.

29 WITNESSETH, THAT WHEREAS, at a public sale of real property, held
30 on the day of (~~A.D. 19--~~) . . (year) . .,
31 pursuant to an order of the (~~board of county commissioners~~) county
32 legislative authority of the county of , state of
33 Washington, duly made and entered, and after having first given due
34 notice of the time and place and terms of (~~said~~) the sale, and,
35 whereas, in pursuance of (~~said~~) the order of the (~~said board of~~
36 ~~county commissioners~~) county legislative authority, and of the laws of

1 the state of Washington, and for and in consideration of the sum of
2 dollars, lawful money of the United States of America, to
3 me in hand paid, the receipt whereof is hereby acknowledged, I have
4 this day sold to the following described real property, and
5 which ((said)) the real property is the property of county,
6 and which is particularly described as follows, to wit:

7, the ((said)) being the highest and best
8 bidder at ((said)) the sale, and the ((said)) sum being the highest and
9 best sum bid at ((said)) the sale:

10 NOW THEREFORE KNOW YE that I, county treasurer of
11 ((said)) the county of, state of Washington, in
12 consideration of the premises and by virtue of the statutes of the
13 state of Washington, in such cases made and provided, do hereby grant,
14 convey and warrant on behalf of county unto,
15 his or her heirs and assigns, forever, the ((said)) real property
16 hereinbefore described.

17 Given under my hand and seal of office this day of
18 ((A.D.)), ((19--)) . . . (year) . . .

19

20 County Treasurer.

21 By
22 Deputy.

23 **Sec. 21.** RCW 84.64.440 and 1961 c 15 s 84.64.440 are each amended
24 to read as follows:

25 No recovery for breach of warranty shall be had, against the county
26 executing a deed under the provisions of RCW 84.64.430 (as recodified
27 by this act), in excess of the purchase price of the land described in
28 such deed, with interest at the legal rate.

29 **Sec. 22.** RCW 36.35.070 and 1972 ex.s. c 150 s 8 are each amended
30 to read as follows:

31 The provisions of this chapter shall be deemed as alternatives to,
32 and not be limited by, the provisions of RCW 39.33.010, 36.34.130, and
33 84.64.310 (as recodified by this act), nor shall the authority granted
34 in this chapter be held to be subjected to or qualified by the terms of
35 such statutory provisions.

1 NEW SECTION. **Sec. 23.** RCW 84.64.220 (as amended by this act),
2 84.64.230, 84.64.270, 84.64.300 (as amended by this act), 84.64.310,
3 84.64.320, 84.64.330 (as amended by this act), 84.64.340 (as amended by
4 this act), 84.64.350 (as amended by this act), 84.64.360, 84.64.370,
5 84.64.380 (as amended by this act), 84.64.390, 84.64.400, 84.64.410,
6 84.64.420 (as amended by this act), 84.64.430 (as amended by this act),
7 84.64.440 (as amended by this act), 84.64.450, and 84.64.460 are each
8 recodified as sections in chapter 36.35 RCW.

9 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
10 each repealed:

- 11 (1) RCW 36.35.030 and 1972 ex.s. c 150 s 4;
12 (2) RCW 36.35.040 and 1972 ex.s. c 150 s 5;
13 (3) RCW 36.35.050 and 1972 ex.s. c 150 s 6; and
14 (4) RCW 36.35.060 and 1972 ex.s. c 150 s 7.

Passed the House March 7, 1998.

Passed the Senate March 4, 1998.

Approved by the Governor March 23, 1998.

Filed in Office of Secretary of State March 23, 1998.