

# SENATE BILL REPORT

## EHB 1271

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As Reported by Senate Committee On:  
State Government & Elections, March 17, 2021

**Title:** An act relating to ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises.

**Brief Description:** Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises.

**Sponsors:** Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley.

**Brief History:** Passed House: 2/24/21, 90-6.

**Committee Activity:** State Government & Elections: 3/12/21, 3/17/21 [DP].

### Brief Summary of Bill

- Authorizes court clerks to attend court either in person or electronically if the proceeding is held virtually.
- Adds coroners and medical examiners to the Emergency Management Council; definition of first responders for personal emergency response services; and government agencies that may access Department of Licensing photos.
- Allows the state auditor to extend the due date for a local government financial report by 30 days during a Governor- declared state of emergency.
- Allows county auditors to satisfy public document inspection requirements by posting the documents online.
- Authorizes the sale of real property under execution to occur at a public auction sale by electronic media.
- Requires taxable real property characteristics to be reviewed in accordance with international association of assessing officer standards

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

for physical inspection.

- Allows remaining amounts due on annual tax assessments of personal property over \$50 to be paid by October 31st when at least half of the tax due, along with all applicable interest and penalties, is paid after April 30th but before October 31st.

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## SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member; Hasegawa and Hawkins.

**Staff:** Melissa Van Gorkom (786-7491)

**Background:** Clerk Responsibilities. The clerk of the Washington State Supreme Court, each of the clerks of the Court of Appeals, and each clerk of a superior court has various statutory duties. Among these duties is attending the court of which they are clerk, to administer oaths, and receive jury verdicts, in the presence and under the direction of the court.

County Coroners and Medical Examiners. Every county has an elected county coroner, except counties with a population of less than 40,000 where the prosecuting attorney is the ex officio coroner. In a county with a population of 250,000 or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner. Coroners and medical examiners have the same legal authority, duties, and responsibilities. Coroners take jurisdiction over human remains and conduct death scene investigations if the cause and manner of death appears suspicious or is unknown.

Emergency Management Council. The Emergency Management Council advises the Governor and adjutant general on all matters relating to state and local emergency management. The council consists of up to 18 members appointed by the adjutant general, including, but not limited to, representatives of local governments, sheriffs and police chiefs, the Washington State Patrol, the Washington Military Department, the Department of Ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, emergency medical care professionals, building officials, private industry representatives knowledgeable in emergency and hazardous material management, and the Office of the Superintendent of Public Instruction.

Personal Emergency Response Services. Personal emergency response services are services provided for profit that allows persons in need of emergency assistance to contact a call center by activating a wearable device, such as a pendant or bracelet. During an emergency that renders the personal emergency response services system inoperable for a period of 24

hours or more and that requires the attention of first responders, the personal emergency response service provider must provide the name, address, and any other information needed for first responders to contact subscribers to the emergency response service within the jurisdiction of the emergency when such information is requested by first responders. First responders consist of firefighters, law enforcement officers, and emergency medical personnel.

Department of Licensing Negatives. The Department of Licensing (DOL) must maintain a file containing the negatives of all pictures taken by DOL for driver's licenses and related licenses and permits. The file is not available for public inspection, but is available to assist law enforcement in investigation and identification, and to the Office of the Secretary of State to assist in maintaining the voter database. If the driver is deceased, DOL may provide a printout to the driver's next of kin.

Local Government Filings with the State Auditor. The state auditor has the power to examine all the financial affairs of every local government and its officers and employees. Every local government must file annual financial reports with the state auditor within 150 days after the end of the fiscal year.

County Auditor Custodial Responsibility. The county auditor is the custodian of all recorded deeds, mortgages, maps, town plats, and other written instruments. All such documents must be available for public inspection without charge during reasonable office hours.

Auctions. A court may order the real property of a debtor to be sold to produce funds to pay a creditor, such as in the case of a lien or mortgage foreclosure. In such a case, the court will issue a writ of execution to begin the sale of property. The sale will occur at a public auction, and must be made at the front door of the county courthouse. The sheriff must post notice in two public places in the county, one of which must be at the courthouse door where the property is to be sold, for at least the four weeks immediately preceding the sale. The notice must be provided in a specified form detailing the time and place of the sale. At the sale itself, the sheriff must announce, in the hearing of all bystanders, that the sale is about to be made, must describe the property, and must state the amount required upon the execution. The sheriff may then offer the land for sale to the highest bidder. The payment for the sale must be made immediately and the sheriff must return the proceeds and the report on the sale to the clerk of the court.

Property Taxes. A county assessor is required to maintain an active and continuous revaluation of taxable real property to ensure valuation for tax purposes is accurate and up to date. As part of this program, taxable real property must be revalued annually, and all taxable real property within a county must be physically inspected and valued at least once every six years.

All real and personal property in Washington is subject to property tax, unless the law

provides a specific exemption. All taxes due on real and personal property are paid to the treasurer. If the tax is more than \$50, to avoid interest and penalties, at least half of the total amount of tax on personal property or real property owed is due by April 30th, and the balance is due by October 31st. Delinquent tax payments are subject to interest and penalties. When the total amount of tax on real property is \$50 or more and at least half of the tax was not paid by the April 30th deadline, but was paid, along with applicable interest and penalties, before October 31st, then the tax is no longer delinquent and the remaining balance is due on October 31st.

**Summary of Bill: Clerk Responsibilities.** The clerk of the Washington State Supreme Court, each of the clerks of the Court of Appeals, and each clerk of a superior court may attend court either in person or electronically if the proceeding is held virtually.

County Coroners and Medical Examiners. The total membership of the Emergency Management Council is expanded to 21 members, adding representatives of county coroners and medical examiners.

The definition of first responders for the purpose of personal emergency response services is amended to include coroners and medical examiners.

The DOL file containing the negatives of all pictures taken by DOL must be available to county coroners and medical examiners when needed to identify a deceased person.

Local Government Filings with the State Auditor. The state auditor may provide a 30-day extension for filing annual financial reports if the Governor has declared a state of emergency.

County Auditor Custodial Responsibility. The obligation to make a document in the custody of a county auditor available for public inspection is satisfied for any record that can be accessed by the public on the county auditor's website.

Auctions. The sale of real property under execution may also occur at a public auction sale by electronic media. Public auction sale by electronic media means a transaction conducted via the Internet that includes invitations for bids, submitted through an electronic device, 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.

Posted notices of an electronic sale must include the web address at which the sale will occur, and a copy of the execution must be posted on the website hosting the sale. The website must include a statement from the sheriff stating the amount required on the execution. The sheriff must then offer the land for sale. When the sale is made, the purchaser must make payment to the sheriff or the sheriff's agent conducting the sale by electronic media who must return the proceeds to the clerk of the court. Starting July 1,

2022, the sheriff must post notice at the courthouse door, and if the sale will occur via electronic media, then notice of the sale must also be posted on the website hosting the sale for at least four weeks prior to the sale.

Property Taxes. A county assessor must cause taxable real property characteristics to be reviewed in accordance with international association of assessing officer standards for physical inspection.

As with real property, when the total amount of annual tax on personal property is \$50 or more and at least half of the tax was not paid by the April 30th deadline, but was paid along with applicable interest and penalties before October 31st, then the remaining balance is due on October 31st and is not delinquent until after that date.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: This last year has been difficult but government at all levels have worked hard to keep everything running. County elected officials have public facing operations and looking for the tools to do the work to support our communities. This bill includes changes based on 19 weeks of dialogue with county officials about best practices in providing services during COVID and addressing identified barriers to providing county services. COVID brought to light areas of law that are vague in meaning and prohibitive to conducting court in a safe manner requiring county courts to attend all hearings while other areas of the court are able to remain virtual. This bill provides clarity to ensure a safe environment while maintaining court operations. Recent DOL policy decisions have not allowed for coroners and medical examiners to use driver's license or identification photos to help identify human remains in the death investigations which is a high importance for the investigation and supporting the families. During COVID there was lack of communication from first responder community to the coroners and medical examiners and staff, not being asked about personal protective equipment needs, contract tracing, and more. Coroners and medical examiners should be in the loop to ensure a more robust and connected emergency management plan not only during a pandemic but also in mass casualty situations such as Oso. The increase in the total number of members for the Emergency Management Council in the bill adds three spots to include the two tribal members that were added in SB 5101 in addition to the position for coroners and medical examiners, making the two bills compatible.

**Persons Testifying:** PRO: Representative Tina Orwall, Prime Sponsor; Jennifer Wallace, Washington Association of County Officials; Josie Delvin, Washington State Association of

County Clerks; Dr. Tim Davidson, Washington Association of Coroners and Medical Examiners.

**Persons Signed In To Testify But Not Testifying:** No one.