

**Bill Room (360) 786-7573**  
**Legislative Hot Line 1-800-562-6000**

January 26, 2001

<http://www.wacounties.org>

Bulletin #3

**Sign Up Now For Legislative Rally And Reception**

All WSAC and WACO members are urged to send their registration forms into the Associations' office as soon as possible. This year's Legislative Rally includes all members of WACO, WSAC and the Association of Washington Cities. This being the first year of the joint local government reception with the Legislature it is important to have a large turnout. Over one hundred legislators are expected to attend.

You are encouraged to call your legislator and invite them to the City County Legislative Reception on Wednesday February 14<sup>th</sup> from 6:00-7:30 p.m. at St. Martin's Pavilion, in Lacey. Yes, that is Valentine's Day and local government officials want to let legislators know that they need help in this year's budget. They need to know that without the necessary funding local government cannot carry out the policies of the state. You might say that local governments are the arteries to the state and if an artery fails, the "heart" fails.

This is the time to tell the county and city story to legislators. There is no better way to do that than having over 600 local elected officials talking to legislators over a two-day period of time.

Attached is a draft program beginning with the City County Legislative Reception on Wednesday Feb 14 followed by the County Rally on Thursday Feb 15<sup>th</sup>. On Thursday members are urged to meet with their legislators, attend committee hearings and attend the luncheon. The chairs of the fiscal committees have been invited to speak about the state budget.

On Thursday morning from 7:30-8:30, in the Washington Counties Building, there will be a short primer offered to new members, and others interested, on lobbying tips for county officials.

On Friday, February 16<sup>th</sup> the WSAC Board of Directors and Legislative Steering Committee will be meeting at the Washington Counties Building. WACO affiliates will also be meeting during the two days. If you have not registered please send in your form or give WACO or WSAC a call.

**WSAC/WACO LEGISLATIVE RALLY**  
**DRAFT AGENDA**

<b>February 14</b>	6:00 p.m. Joint County-City Legislative Reception	St. Martin's Pavilion
<b>February 15</b>	7:30- 8:30 a.m. Lobbying Tips for County Officials	Conference Rm, WA Counties Bldg
	8:30-11:00 a.m. Meet with Your Legislators	
	11:15 a.m.-Noon Legislative Update	Olympia Ballroom
	Noon- 1:15 p.m. Legislative Rally Luncheon	Olympia Ballroom
	Briefing from Budget Chairs	
	1:30 p.m. onward Meet with Your Legislators	
<b>February 16</b>	8:00-10:00 a.m. WSAC Board of Directors	Conference Rm, WA Counties Bldg
	10:00- 1:00 p.m. WSAC Legislative Steering Committee	Conference Rm, WA Counties Bldg

**LEGISLATIVE UPDATES**

**TAXATION**

**Disabled/Tax exemption**

Last Thursday, during the first hearing of the House Finance Committee, **HB 1011** was added to the agenda. This bill is a reintroduction of a proposal that we have seen in the past. This measure provides additional property tax exemptions for disabled military landowners. The same bill passed the House both in 1999 and 2000, but died in the Senate. I expect the measure will

repass the House in a similar fashion, but am not sure what the outcome will be in the Senate. The measure provides a veteran who has a 100% service connected disability to receive the same property tax treatment as an individual who currently is in the lowest income bracket. For individuals with service-connected disabilities of less than 100%, their overall exemption would be determined in that they would not have to count benefits received for their disabilities as disposable income.

### **Personal Property Tax Revisions**

On Wednesday, the House Finance Committee took testimony on **HB 1059**, which is the WACO/Assessors recommendation to make modifications to some of the personal property provisions. The principal issue in this bill is to allow the Department of Revenue (DOR) to use three years of data when calculating the personal property ratios. The result would be a lessening of the swings that are potential now with the small sample size. The bill also adds the language that would allow individuals to file their personal property affidavits electronically. Minor changes are also made to reinstate the language that existed prior to the Referendum 47 provisions that were declared unconstitutional. There is no opposition to the bill and we expect that it will pass out of committee in the near future.

### **Taxation of Electricity**

**HB 1007** was one of the earliest bills introduced this session by Representative Morris. This measure makes major revisions as to how electricity is taxed and is supposed to be "revenue neutral." Among the things that the bill provides is a new property tax exemption for such facilities. In addition, there was language in the bill that says that when the assessor computes the levies, they will do so in such a way so there is no property tax shift as a result of the removal of these property values from the tax roll. WACO staff pointed out to the committee the practical difficulties of the section dealing with the anti-shift language, to make sure the committee understood that implementation of this language could put bond funds at the risk of default and the full amount of special levies not being collected. No position was taken on the remainder of the bill by WACO or WSAC, as there has been no opportunity for review by either organization. There was a great deal of "concern" expressed about the bill by several other parties.

### **State Auditor Introduces Bill Restricting Executive Sessions**

State Auditor Brian Sonntag has agreed to support legislation that will further restrict the ability of a local government legislative body to conduct to hold an executive session to discuss litigation. The bill "does not permit a governing body to hold an executive session solely because an attorney representing the agency is present, or is consulted on a matter. The bill further defines what "potential litigation" means. It also states that the regular minutes shall state the reason the agency believes the litigation may be commenced. A governing body holding an executive session shall record minutes of the executive session. The minutes are not public records unless the court determines, after in re camera review of the minutes, that the executive session did not meet the requirements. Any minutes of other executive sessions not defined under this new law would not be subject to public inspection.

This bill has the potential to add further court challenges by citizens who may question actions of local officials and add to the increasing unfunded mandates imposed on local governments.

### **CURRENT LEGISLATIVE INFORMATION AVAILABLE AT WWW.LEG.WA.GOV**

In an effort to improve public access to legislative information, the Washington State Legislature created the *LEGInfo*, public access service on the Internet. Updated at the end of each business day, *LEGInfo* contains the most current versions of information available.

Bills and amendments are available for download or viewing in Adobe Acrobat format, which provides line-for-line, page-for-page, copies of bills and amendments in the same format available from the Bill Room at the capitol building. If you don't have Adobe Acrobat Reader installed on your office computer, go to <http://www.adobe.com/products/acrobat/readstep2.html> to download the program, or talk to your County Information Services professional.

From [www.leg.wa.gov](http://www.leg.wa.gov) you can also access the House, Senate, and other Legislative Agency web pages, calendars for each chamber for each day as well as monthly campus event calendars, ethics opinions and much, much more.

### **Of Interest to County Auditors and Blanket Primary News**

Legislators continued their push this week to learn more about the issues surrounding the blanket primary. In the House Select Committee on Elections, Attorney General Christine Gregoire gave committee members an overview on where the state is in the lawsuit by political parties. She stated that her belief was that whatever system lawmakers choose, it should be first and foremost simple, that the system remain stable from year to year, that it is legally defensible, that it respects voter privacy and allows for meaningful voter choice. In the Senate the State and Local Government Committee heard from Senator Don Benton, in his position as chair of the State Republican Party, Paul Berendt, chair of the State Democratic Party, and from John Hill representing the Libertarian Party. The Libertarians achieved major party status this year. Senators had an opportunity to ask the party leaders questions regarding their positions after presentations had been made. The parties stated their actions were motivated by wanting to preserve their civil rights by allowing only party members to nominate party candidates. Much of the discussion was centered on whether the parties should pay for their nominating primary.

Island County Auditor Suzanne Sinclair, Mason County Auditor Al Brotche, and Thurston County Licensing Manager Sue Burkley testified in support of **SB 5043**, which would repeal the requirement of having to replace vehicle license plates every seven years. This requirement adds a fairly substantial cost to each county in storage and administrative costs.

Next week in the House Select Elections Committee, members will meet on 1/30/01 at 8:00 a.m. and on 2/2/01 at 1:30 p.m. Members will hear from the political parties and allow for public testimony on the blanket primary issue. In the House State Government Committee on 1/29/01 at 10:00 a.m. and on 2/2/01 at 8:00 a.m. committee members will listen to testimony on

initiatives/ballot measures and on **HB 1228**, which allows for the reimbursement to counties for the state share of election costs.

In the Senate on 2/1/01 at 3:30 p.m. the State and Local Government Committee will also hear testimony on a variety of ballot measure and initiative bills.

### **COURTS**

**HB 1351**, Adoption records, has been introduced and referred to the Committee on Children and Family Services. It provides that all department, agency, and court files shall be confidential except for RCW 26.13.345 which states "After receiving a request by an adopted person eighteen year of age or older, the department of health shall provide the person with a noncertified copy of the adopted person's original birth certificate unless the birth parent has filed an affidavit of nondisclosure." All reasonably available nonidentifying information shall be released. No hearing has been set.

**SB 5426**, Law library surcharge, allows the county legislative authority to impose a surcharge on civil and probate filings for support of county law libraries that may not exceed the amount going to the library from the filing fee.

The Senate Judiciary Committee heard **SB 5115**, Tax warrants; **SB 5070**, Jury service; and, **SB 5072**, Juror compensation on Tuesday, January 23. Kitsap County Clerk Dean Logan and Cowlitz County Clerk Teri Nielsen testified in support of all three. Substitute bills for 5070 and 5072 were heard which resolved the concerns many clerks had expressed earlier regarding the length of the jury term and increased pay to jurors. The jury term will remain one month and counties will not be required to pay jurors \$45 for subsequent days of service if they are not reimbursed by the state. The juror pay was set at \$10 in 1959. "Happy days" continued when the Committee heard **SB 5115**. The filing fee for tax warrants was set at \$5.00 in 1963. An amendment is in the offing which will continue the PSEA split on the first \$5.00 of the increased fee, essentially maintaining the current contribution to PSEA when a warrant is filed. The companion jury bills, **HB 1081** and **HB 1141**, were heard in the House Judiciary Committee this morning.

**HB 1212**, sealing juvenile records, will be heard in the House Juvenile Justice Committee on Wednesday, January 31, at 10:00 a.m. **HB 1212** provides that misdemeanor and diversion records may be sealed if the person has spent two consecutive years in the community without any committing any offense or crime since the last date of confinement, including residential treatment, or entry of disposition and is at least 18 years old. The requirement for gross misdemeanors is three years.

**SB 5241**, changing provisions relating to venue, will be heard on Monday, January 29, at 10:00 a.m. **SB 5241** allows plaintiffs to sue for recovery of damages to persons or personal property in the county of the incident or county where the defendant resides. The new language in RCW 3.66 and RCW 4.12 deletes "arising from a motor vehicle accident."

### **Law Enforcement**

Senate Judiciary "goes to the dogs" on Monday and Tuesday, that is. On Monday, January 29, at 10:00 a.m., the Committee will hear **SB 5092**, which changes the provisions regarding dangerous dogs. **SB 5092** does not require cities or counties to have dangerous dogs within their limits or prohibit them from having additional restrictions. It does place the burden of proof upon the state to prove a dog is dangerous.

**SB 5321**, Police service dog teams, is being heard in Judiciary on Tuesday, January 30, at 8:00 a.m. **SB 5321** creates a certification process for police service dog teams and an oversight mechanism.

**SB 5335**, Statewide enhanced 911 system will be heard on Monday, January 29 at 8:30 a.m. in the Senate Committee on Economic Development and Telecommunications. **SB 5335** and its companion, **HB 1181**, define the 911 account priorities a "first, assuring that 911 dialing is operational statewide; second, to assist as necessary to assure that counties can achieve a basic service for 911 operations; and, third to assist counties as practicable to acquire items of a capital nature appropriate to increasing 911 effectiveness."

**SB 5335** also requires that funds shall not be distributed to any county that has not imposed the maximum county enhanced 911 taxes allowed under RCW 82.14B.030 (1) and (2).

### **Nonpartisan Sheriffs**

A dozen county sheriffs, deputies and other sheriffs' personnel were in the Senate State and Local Government hearing, Wednesday, to show their support for **SB 5088** and **SB 5141**, which would require making the office of sheriff nonpartisan. Benton County Sheriff Larry Taylor, Island County Sheriff Mike Hawley, and Snohomish County Sheriff Rick Bart testified in favor of the bills, sponsored by Senators Haugen and Hale, respectively. The testimony was excellent and Senator Patterson, chair of the committee, said as much. Counties represented were Benton, Grant, Island, King, Mason, Snohomish, Thurston, Whatcom, and Whitman. All 39 county sheriffs are in support of the legislation.

It looked like "Sheriffs' Day at the Leg" on Wednesday when Whatcom County Sheriff Dale Brandland, Whitman County Sheriff Steve Tomson, the retiring Yakima County Sheriff Doug Blair, Snohomish County Sheriff Rick Bart, Island County Sheriff Mike Hawley, Mason County Sheriff Steve Whybark, Thurston County Sheriff Gary Edwards and Grant County Undersheriff Mike Shaw covered at least that many simultaneous hearings to testify regarding mobilization of law enforcement, certification/decertification of law enforcement officers, non-partisan sheriffs, victim notification, and the Criminal Justice Training Commission. They represented the sheriffs well. Our apologies to any sheriff we missed. *The Daily Olympian* reported "around a dozen," so even they didn't get to all the hearings.

### **Crime And Punishment**

**HB 1335**, DNA testing, bears watching! It appears to have a major potential impact on county jails, courts, and the WSP Crime

Laboratory. **HB 1335** requires that blood samples be drawn from all felons, both juvenile and adult, convicted after the effective date, or still incarcerated on the effective date. DNA testing of certain felons convicted after July 1, 1990 is required by current law.

**SB 5427**, State felon costs, would require the state to pay counties for the portion of the time offenders ordered to state facilities are held in county jails. The time includes the credit for pretrial time the offender may be given against his/her sentence. Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt, and Oke sponsored **SB 5427**.

**SB 5428**, County reimbursement for criminal justice expenses, requires the state "shall pay all costs for the prosecution, adjudication, sentencing and incarceration of all misdemeanor and gross misdemeanor offenses referred to each county or city by a state agency, including but not limited to the state patrol, department of fish and wildlife, any public college or university police force." Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt, and Oke sponsored **SB 5428**.

**SHB 1042**, Sterilization procedures for commercial electrology and tattooing, passed out of the House Health Care Committee today. The act makes a violation of the statute a misdemeanor. Since consumer complaints will initiate violation investigations and no other enforcement is required, we do not anticipate a major impact to counties. Please advise WACO if you feel otherwise.

**SB 5435** establishes the "Washington False Claims Act" and prescribes penalties and processes for anyone committing an "unlawful act" against a government entity. **SB 5435** also outlines additional protection for whistleblowers.

**SB 5450** and **HB 1231**, Identity theft, create significant additional protection for victims of identity theft and add penalties for offenders. **SB 5450** and **HB 1231** are Attorney General request bills

**SB 5459**, Mail theft, creates the crime of mail theft and includes destruction of mail or mailboxes and obstruction of the mail.

#### **Death Investigations**

**HB 1216**, Investigating sudden unexplained deaths of children, is being heard in House Judiciary tomorrow (Jan. 26) at 10:00 a.m. It is the same bill that was introduced by Representative Kathy Lambert last year and supported by the Forensic Investigations Council (FIC). The bill encourages SIDS training for death investigators and first responders, directs FIC to adopt a scene investigation protocol, and requires each county to use a protocol approved by FIC for full reimbursement of SIDS autopsies. **HB 1216** provides full reimbursement for autopsies of children less than three years of age if the protocols are followed.

#### **State Budget Bills**

The Governor's budget bills have been introduced are as follows:

<b>SB 5326/HB 1266</b>	Supplemental Transportation Budget
<b>SB 5327/HB 1267</b>	2001-03 Transportation Budget
<b>SB 5345/HB 1315</b>	2001-03 Operating Budget
<b>SB 5346/HB 1314</b>	Supplemental Operating and Capital Budgets
<b>SB 5347/HB 1359</b>	2001-03 Capital Budget

#### **Short Rotation Hardwoods**

**HB 1024**, increasing the growing cycle for short-rotation hardwoods for tax purposes was heard Wednesday afternoon in House Natural Resources. Short-rotation hardwoods are defined as hardwood trees, such as hybrid cottonwoods, cultivated by agricultural methods in growing cycles of less than ten years. This bill would extend the growing cycle to fifteen years.

Short-rotation hardwoods are treated more like an agricultural crop than timber, and are grown pursuant to agricultural methods and are not considered "forest trees" for application of the forest practices rules. Short-rotation hardwoods are not subject to the state excise tax on harvesting timber. The land on which short-rotation hardwoods are grown is treated as open space – farm and agricultural land for property tax purposes, if the land was previously used in agriculture.

The Senate version of this bill, **SB 5108** will be heard on Friday at 1:30 in Senate Agriculture & International Trade. Next week, **HB 1024** is scheduled for executive session in House Natural Resources on January 31 at 1:30.

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## COUNTY NEWS

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#### **New WACME Mug**

The Washington Association of Coroners and Medical Examiners (WACME) will let you travel in style! They have just unveiled their latest in a series of decorative mugs and this one travels. The black insulated travel mug sports that same troop of dancing skeletons that WACME has made famous and is available for \$10.00 from your favorite coroner or medical examiner or WACO. Remember the proceeds of the mug sales are always donated by WACME to the Washington Counties Scholarship Fund.

Don't forget! The Washington Counties Scholarship Fund will open the application process for 2001 in mid-February. Every year at least five scholarships are made available to children of county employees. Applications with complete eligibility guidelines will be mailed to each county office next month.

#### **Grays Harbor County Assessor Named**

Grays Harbor County Commissioners named Darrel Haglund the new county assessor, Monday. Darrel is currently employed by the

Thurston County Assessor's office, but lives in Grays Harbor County where he is a cranberry grower. No effective date of the appointment as of yet.

#### **Retirement Party Set for Bev Allenbaugh**

A retirement reception is being planned for retiring Kittitas County Auditor Bev Allenbaugh on Friday, February 23, in Ellensburg. The reception will be held from 2:30 to 4:30 p.m. in the County Commissioners' auditorium at the courthouse. In addition, there will be a social at the Elks Club, in Ellensburg, at 5:30 p.m. that same afternoon, in honor of Bev's service to the county and community.

#### **Judy Wilson To Be DNR County Liaison**

Commissioner of Public Lands Doug Sutherland visited the WSAC Legislative Steering Committee last Friday with Judy Wilson, former Thurston County Commissioner and past LSC Co-Chair in tow. He announced that he has hired Judy as his liaison to counties and his representative on the Shorelines Hearings Board. She will begin in mid-February after a brief vacation to China.

Congratulations, Judy! We all look forward to working with you in your new position.

#### **Classes on the Internet**

Clark County Treasurer Doug Lasher provided WACO with some great information about a website where classes are available online. Some of the classes available are on computing, the Internet, management, paralegal, small and large business, personal enrichment, etc. Check out [www.ed2go.com](http://www.ed2go.com).

## **PUBLIC HEALTH & SOLID WASTE**

### **Hearings and WorkSessions of Interest regarding Public Health & Solid Waste – 1/29 – 2/2/01.**

#### *House Agriculture & Ecology:*

1/30/01 1:30 pm House Hearing Room A

**HB 1163** - Changing provisions relating to disposal of garbage and junk vehicles.

#### *House Children & Family Services:*

2/1/01 1:30 House Hearing Room E

**HB 1365** - Requiring the department of health to publicize a list of recalled infant and child products.

#### *House Criminal Justice & Corrections:*

2/2/01 8:00 am House Hearing Room E (Also on TVW)

**HB 1121** - Encouraging safe storage of firearms.

#### *House Health Care:*

1/30/01 1:30 pm House Hearing Room B

**HB 1058** - Providing assistance to treat breast and cervical cancer.

**HB 1080** - Requiring comparable mental health benefits.

Possible Executive Session: **HB 1328** - Requiring the registration of certain school health personnel.

2/2/01 10:00 am House Hearing Room C

**HB 1162** - Providing medical assistance reimbursements for small, rural hospitals.

#### *Senate Health & Long-Term Care:*

1/29/01 1:30 pm Senate Hearing Room 4

**SB 5291** - Requiring certain immunizations of staff and residents of long-term care facilities.

1/31/01 1:30 pm Senate Hearing Room 4

**SB 5296** - Limiting minors' access to tobacco

**SB 5222** - Requiring the registration of certain school health personnel.

2/1/01 3:30 pm Senate Hearing Room 4

Work Session: Department of Health Report on Medication Errors.

Public Hearing: **SB 5363** - Providing medical assistance reimbursements for small, rural hospitals.

#### *Senate Human Services & Corrections:*

2/2/01 8:00 am Senate Hearing Room 4

**SB 5287** - Creating a work group to study kinship caregiver services.

#### *Senate State and Local Government:*

1/31/01 1:30 pm Senate Hearing Room 3

**SB 5401** - Eliminating boards and commissions

#### *Senate Transportation:*

1/31/01 3:30 pm Senate Hearing Room 1

**SB 5112** - Applying child restraint system laws to children up to eight years of age or eighty pounds.

**Bills of Interest Regarding Public Health, Health Care and Solid Waste**

**HB 1371** – Relating to participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty.

**SB 1349** – Relating to funding for removal and disposal of derelict vessels. This bill would allow funds from the local toxics control account to be used for the cleanup and disposal of abandoned and derelict vessels that pose a threat to human health or the environment.

**HB 1162 & SB 5363** - Providing Medical Assistance reimbursements for Small Rural Hospitals. Declares that the health care financing administration has recognized the crucial role that hospitals play in providing care in rural areas by creating the critical access hospital program to allow small, rural hospitals that qualify to receive reasonable cost-based reimbursement for Medicare services.

Finds that creating a similar reimbursement system for the state's medical assistance programs in small, rural hospitals that qualify will help assure the long-term financial viability of the rural health system in those communities.

Provides that the act shall be null and void if appropriations are not approved.

**HB 1163** - Changing provisions relating to disposal of garbage and junk vehicles.

**SB 5291** - By Senators Costa, Winsley, Franklin and Fraser, requiring certain immunizations of staff and residents of long-term care facilities. Declares that the long-term care resident and employee immunization act is intended to: (1) Prevent and reduce the occurrence and severity of the influenza virus and pneumococcal disease by increasing the use of immunizations licensed by the food and drug administration; (2) Avoid pain, suffering, and deaths that may result from the influenza virus and pneumococcal disease; (3) Improve the well-being and quality of life of residents and employees of long-term care facilities; and (4) Reduce avoidable costs associated with treating the influenza virus and pneumococcal disease.

**SB 5294** (Companion Bill **HB 1021**) - Defining "motorcycle helmet." Provides that "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell and a neck or chin strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

**HB 1180 & SB 5360** - Obtaining and Expending Funds for the Public Health System. Declares an intent that gifts and other funds received by the department of health under the authority granted by RCW 43.70.040 may be used to expand or enhance program operations so long as programs standards established by the department are maintained, but may not supplant or replace funds for federal, state, county, or city-supported programs.

**HB 1197** - Increasing penalties for manufacturing methamphetamine. Provides that a person involved in the manufacture of methamphetamine, is guilty of a crime and upon conviction may be imprisoned for not more than twenty years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine.

Declares that five thousand dollars of the fine may not be suspended. As collected, the first five thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine.

**HB 1206** - Requiring identification of drug-affected infants and providing treatment services to their mothers. Provides that, in an effort to reduce the harmful effects of drug-affected infants a woman's primary health care provider shall: (1) Screen pregnant and lactating women for nonprescription use of controlled substances while pregnant. Screening criteria may include, but is not limited to, the criteria developed by the department of health pursuant to chapter 70.83E RCW; (2) Convey to the infant's primary health care provider screening findings that would suggest the need for testing of the infant, or conduct the testing; and (3) Inform each woman identified by screening for testing of her infant that if her infant is born drug-affected she can have tubal ligation at no cost to her with six months following the birth if she is eligible for support under RCW 74.09.310, and how to access the appropriate chemical dependency treatment. Repeals RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340.

**HB 1216** - Investigating sudden unexplained deaths of children. Requires that basic training for death investigators offered by the Washington association of coroners and medical examiners and the criminal justice training commission shall include a module which specifically addresses the investigations of the sudden unexplained deaths of children under the age of three. The training module shall include a scene investigation protocol endorsed or developed by the council.

Requires a similar training curriculum for city and county law enforcement officers and emergency medical personnel certified by the department of health as part of their basic training through the criminal justice training commission or the department of health emergency medical training certification program.

**SB 5332** - Clarifying dairy nutrient management standards. Authorizes the conservation commission to, after public hearing and due consideration, including comment from the department of ecology, in accordance with the administrative procedure act, chapter 34.05 RCW, adopt standards and specifications of the natural resources conservation service that were not in existence on July 1, 1998. Producers affected by new standards and specifications have five years from the date the commission adopts the new standards and specifications to comply with the new standards and specifications.

**HB 1226** - Prohibiting firearms at day-care centers and preschools.

**SB 5405** - Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine. Provides penalties for violations of the act. Governor request legislation.

**SB 5420** - Establishing family leave insurance. Declares it in the public interest to establish a program that: (1) Provides additional options for individuals to use in balancing work and family responsibilities; (2) is in addition to those programs offered by employers; (3) provides limited income support for a reasonable period while an individual is away from work on family leave; and (4) reduces the impact on state income-support programs by increasing an individual's ability to provide care-giving services for family members while maintaining an employment relationship.

Appropriates a sum of money for the biennium ending June 30, 2003, from the medical aid fund and the accident fund, in equal amounts, to the department of labor and industries for the purposes of administering the family leave insurance program under this act. This sum shall be repaid to the medical aid and accident funds from the family leave insurance account by June 30, 2013.

**SCR 8408** - Establishing a blue ribbon commission on medical care cost and access. Provides, that the commission shall submit an initial report to the legislature and the Governor on or before December 1, 2001; shall submit recommendations to the legislature and the Governor on or before December 1, 2002; and shall submit a final report to the legislature and the Governor on or before December 1, 2003. The commission shall cease to exist on December 1, 2003. The commission will consist of eleven members: (1) Four members from the Senate, to include one member of each party caucus from the Health and Long Term Care Committee, and one other member of each party caucus from the Ways and Means Committee, to be appointed by the President of the Senate; (2) Four members from the House of Representatives, to include one member of each party caucus from the Health Care Committee, and one other member of each party caucus from the Appropriations Committee, to be appointed by the Co-Speakers of the House of Representatives; (3) The Insurance Commissioners; and (4) Two members appointed by the Governor, one of whom the Governor shall designate as chair. The commission shall establish ad hoc technical advisory committees as appropriate, to include representatives of business, employee organizations, medical care providers, drug manufacturers, public health officials, health carriers, state agencies, health policy experts, consumer organizations, the general public, and any others with an interest in or expertise regarding the work of the commission.

**SB 5074** - Creating the Women's Health Advisory Committee. Declares that the purpose of establishing the women's health advisory committee is to provide input to the department in order to achieve equity in policy considerations and decisions affecting women's health, including the administration, funding, and delivery of medical care and health care related services, and additional opportunities for basic and applied research directly affecting women's health. Provides that the sum of ten thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2002, from the general fund to the department of health for the purposes of the act. Provides that the sum of ten thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2003, from the general fund to the department of health for the purposes of this act. The women's health advisory committee does not have representation from local public health.

**HB 1319** - Attempting to ensure the availability of affordable prescription drugs. Declares an intent to pursue strategies that will ensure the availability of affordable prescription drugs to citizens covered by state health care programs and to citizens who are not covered by state health care programs.

**HB 1328** - Requiring the registration of certain school health personnel. Provides that no certificated or noncertificated school district employee may practice or represent himself or herself as a school health aide by use of any title or description of services without being registered to practice by the department, unless otherwise exempted by this act. Declares that nursing tasks delegated to a school health aide include those nursing procedures applicable to school districts provided by law, including those tasks determined by the commission by rule in consultation with the superintendent of public instruction. Declares that nothing in this act shall be construed to affect the scope of nursing procedures applicable to school districts as provided by law. This bill appears to be exactly the same as HB 1083.

**SB 5433** - Providing for establishment of parent and child relationship for children born through assisted conception. The parent and child relationship between a child and a mother or father may be established by an affidavit wherein the sperm donor, egg donor, or surrogate gestation carrier sets forth his or her intent to be legally bound as the parent of a child or children born through assisted conception by filing the affidavit with the registrar of vital statistics within ten days of the date of the child's birth.

**SB 5462** - Requiring certain health insurance carriers to provide coverage for prescription contraceptive drugs and devices.

**SB 5112** - Relating to child passenger restraint systems. This bill expands current law requiring use of a child restraint system to include children up to eight years old and/or eighty pounds. Additionally, the bill provides that "a person, including but not limited to a volunteer provider of services, who without compensation, renders inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages from any act or omission in rendering this services, other than acts or

omissions constituting gross negligence or willful or wanton misconduct.

**HB 1283** - Modifying department of social and health services' family planning services. Companion Bill: **SB 5186** - Authorizes the department to, upon receipt of approval from the federal health care financing administration, implement a waiver under Section 1115 of the federal social security act to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level. This does not include abortion services.

**HB 1355** - Elimination of boards and commissions. Part 6 of this bill would eliminate the Solid Waste Advisory Committee.

**HB 1362** - Changing competitive grant requirements for community mobilization programs.

**HB 1365** - Requiring the Department of Health to publicize a list of recalled infant and child products. Requires the department to monitor consumer product recalls announced by the United States consumer products safety commission and maintain a listing of recalled consumer products, excluding toys, that present a threat to the health and welfare of infants and children. Requires the department to produce a brochure based on the listing required in this act. The brochure shall: (1) Be dated; (2) Be updated with insert leaflets every six months; (3) Be reproduced in its entirety every two years; (4) List recalled infant and child products for the most recent fifteen years; (5) Cite the reason for the product recall; and (6) Contain a notice that the brochure is produced and updated periodically, covers a limited time period, and that the consumer may access the most current and comprehensive information via the internet through the United States consumer products safety commission web site or telephone hotline. The brochure shall provide the web site address and the hotline telephone number.

**HB 1370** - Relating to Precursor Drugs. Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine. Provides penalties for violations of the act.

**SB 5478** - Reducing childhood lead exposure. Directs the department of health to implement a public health education program aimed at reducing childhood exposure to lead in residential settings. The Program will continue the current efforts of the department to identify areas around the state where lead exposure poses a threat to children and families, and will provide information, education, and training to areas of concern. Requires the program to especially focus on older housing stock, and the residential hazards of lead-based paint. The Department is directed to seek federal funding for the lead hazards education project and to operate it using those funds.

**SB 5483** - Modifying solid waste disposal standards. This bill is the companion to HB 1003 and modifies the legislation passed in 1999 that applied to new landfills. The amendment would have the statute apply to expansions or modifications to existing landfills when that expansion or modification meets certain criteria.

**SB 5486** - Presuming that it is negligent treatment to expose a child to a methamphetamine manufacturing site. Establishes a rebuttable presumption that a child has suffered negligent treatment or maltreatment if, during investigation conducted by the department under chapter 25.44 RCW or by law enforcement, a child is found in a place where methamphetamine is being manufactured or found at a site where methamphetamine paraphernalia is openly accessible to the child.

**SB 5487** - Restricting smoking in casinos. Declares that, if a bar, tavern, bowling alley, or restaurant is licensed by the gambling commission to operate a house-banked cardroom it may not be designated as a smoking area in its entirety.

**SB 5504** - Allowing dental hygienists to provide preventive oral health services to low-income and functionally disabled persons. Allowing dental hygienists to provide preventive oral health services to low-income and functionally disabled persons. Finds that access to preventive oral health services for low-income children and functionally disabled persons, which are provided by licensed dental hygienists, is restricted by current practice settings. Declares an intent to expand access to and reduce the cost of preventive oral health services to children, elderly individuals, and functionally disabled persons who currently have unmet oral health needs. The Legislature intends to broaden the allowable practice settings in which licensed dental hygienists may provide preventive services that are within their scope of unsupervised practice.

**SB 5505** - Increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas. Declares that an applicant holding a valid license currently engaged in practice in another state may be granted a license without examination required by this chapter, on payment of the required fees, if the commission determines that the applicant is a graduate of an approved dental school and conditions his or her practice in a critical needs area, as defined by the secretary considering federal guidelines for serving patients in underserved areas. After completing three years of practice in a critical needs area, the applicant may be granted a license without examination to practice anywhere in this state. Provides that the commission may also require the applicant to: (1) File with the commission documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the commission deems necessary pertaining to the conditions and criteria of the Uniform Disciplinary Act, chapter 18.130 RCW, and to demonstrate to the commission a knowledge of Washington law pertaining to the practice of dentistry. Provides that an applicant holding a valid license and currently engaged as a dentist in military service in any state may be granted a license without examination required by chapter 18.32 RCW, on payment of the required fees, if the commission determines that the applicant is a graduate of an approved dental school.

## ENVIRONMENT, LAND USE & RESOURCES

**Shorelines**

This week the House Local Government and Housing Committee held a hearing on issues relating to local governments responsibilities and costs in addressing Shorelines Management and Endangered Species Act. Two bills relating to the Shorelines Management Act were introduced this week. **HB 1261**, prime sponsored by Representative Hatfield, adds a new section to the law, which will allow a county or city to be exempt from the updating the Shoreline Master Plan under certain criteria. If a county or city does not meet the criteria the proposed law provides for an extension of at least thirty-six months and no later than sixty months. This proposal also takes into account the amount of funding that would be provided to local governments.

WSAC proposal (**SB 5458**) was introduced this week. The bill is primed sponsored by Senator Jacobsen, chair of the Senate Natural Resources, Parks and Shorelines Committee. **SB 5458** does the following:

Directs the department of ecology to devise a schedule of deadlines for counties and cities to amend their shoreline master programs, ranging from thirty-six to seventy –two and requiring the department to grant twelve month extension for counties in need of more time.

The timelines do not commence until counties and cities have received adequate funding to amend their master programs.

The new shoreline rule does not apply to counties (and cities within them) with more than seventy-five percent of the land base in preservation, natural resource use and open space.

Coordinates the planning processes of the shoreline management act, comprehensive plans under the proposed timelines for the growth management act (GMA) and critical areas provision of the GMA.

**Energy Package Relies on Tax Cuts:**

The Governor and a bi-partisan group of legislative leaders unveiled a package of bills to address the energy crisis. A number of these bills will reduce local tax revenue. A number of them will have a disproportionate impact on maintaining employment in certain counties. As the bulletin went to press, no estimates of local fiscal impact were available. Among the proposals are:

- **HB 1406:** Sales and Use Tax exemption for air pollution control facilities acquired or installed by light and power businesses at thermal peaking plants.
- **HB 1405:** An extension of the Public Utility Tax credit for new co-generation facilities with construction begun after July 1, 2001 but before January 1, 2011.
- **HB 1441:** A new Sales and Use Tax exemption for energy efficient lights and household appliances (dishwashers and clothes washers are the only appliances specified).
- **HB 1443:** An additional \$2.5 million in low-income energy assistance funded through tax credits to utilities.
- **HB 1442:** A sales and use tax exemption for wind and solar generating equipment producing 200 watts or more electricity. This exemption would expire in 2009.
- **HB 1404:** A Utility Tax credit for Direct Service Industries (DSIs are mainly aluminum companies) and their subsidiaries for the construction of gas fired co-generation facilities.
- **HB 1403:** New energy management and audit standards for state, state funded and other public buildings. Among the measures included in the bill are “two way interactive communication between public agencies and their energy suppliers”, “public agencies to respond to price signals and manage their purchase and use of electricity” and “investment grade audits of energy consumption”. Some portions of this bill apply to all political subdivisions of the state. We will be seeking clarification on this bill.

Hearings will begin on these bills in the House Technology, Telecommunications and Energy and the Senate Environment, Energy and Water Committees on January 29 and continue through the week.

**HR 2389 Payment Numbers Increase A Bit For Some**

U.S. Forest Service staff has discovered that a mistake was made in the initial calculation of the high 3 years spreadsheet for calculating HR 2389 payments. The incorrect calculation used 1991 figures instead of 1991 with Spotted Owl safety net figures.

The statewide average increases by \$838,000, with the benefit accruing to Chelan, Clallam, Douglas (a 28 cent increase), Grays Harbor, Jefferson, Kittitas, Mason and Okanogan counties. The estimates should be considered draft numbers until USFS sends out official numbers.

**Federal Money for Salmon Expected**

Budget and financing issues for salmon recovery are steadily emerging in the legislature. WSAC continues to dissect the information and policy positions coming forth. Here is the latest on federal money for salmon and bill hearings related to salmon recovery funding.

The federal government has allocated over \$40 million for the state’s salmon recovery programs, \$14 million of which will go to the state’s Salmon Recovery Funding Board (SRFB), and \$4 million to the Forest and Fish Agreement. Another \$20 million will go to the Pacific Salmon Treaty, earmarked for license buybacks in Washington state. \$5 million has been appropriated for hatchery changes and \$5 million for Fish and Wildlife Foundation grants. Finally, the federal government may also pay up to 65% of the cost of a \$40 million initiative to restore habitat in the Puget Sound under Corps of Engineers leadership.

Hearings in Olympia on bills related to salmon recovery have begun. The Senate's Natural Resources, Parks & Shorelines committee, chaired by Senator Ken Jacobsen, held a public hearing on **SB 5245**. The bill would allow state agencies to sponsor salmon recovery projects funded by the SRFB. **SB 5246** was also heard; this bill would change the deadlines for grant applications for salmon recovery projects. Instead of two competitions per year there would be only one so that lead entities do not spend all of their time writing grants. The proposed cycle would start around July 1. Applications for the following cycle would be due in November, and decisions would be made on March 1. A Senate Joint Memorial (**SJM 8000**) was discussed. It requests that President Bush appoint a single contact person to represent the federal government on Columbia River salmon recovery issues. Congress is asked to fund the position.

#### **Hydraulic Projects: Revision Of Rules Underway**

The Washington Department of Fish and Wildlife has begun the process of revising the rules for hydraulic projects. The rules will be brought into compliance with the Endangered Species Act. WDFW is developing discussion draft rules for public review and comment. They will be posted on WDFW's website as they are developed. That website is: [www.wa.gov/wdfw/hab/hpa/hpadiscn.htm](http://www.wa.gov/wdfw/hab/hpa/hpadiscn.htm).

Keep in mind that this is a time-sensitive issue. The rule drafts will only be open for public comment for sixty days after their posting. WDFW will be using public comments and focus group feedback to revise their initial rule draft. Once this process is completed, the second discussion draft rules will be posted on the website for another sixty day comment period, during which 6 public hearings will be held. Then, once the formal rule adoption process is initiated, the public will have a final opportunity to comment. For more information, contact Gayle Kreitman, Regulatory Services Section Manager, at (360) 902-2564.

#### **DNR Moving Forward On Forests And Fish Rule**

The Department of Natural Resources has released an adoption schedule for the final rules to implement the Forests and Fish Report. Final comments on the draft proposed rules are due from counties, federal agencies, tribes and other interested parties on February 2. The formal rulemaking process will begin with publication of the proposed rules on April 4, with adoption scheduled for May 17 at the Forest Practices Board meeting.

Comments can be sent to Terry Ruff at [terry.ruff@wadnr.gov](mailto:terry.ruff@wadnr.gov) or mailed to Forest Practices, 1111 Washington St. SE, P.O. Box 47012, Olympia, WA. 98504-7012 or call 360-902-1395. Copies of the rule can be obtained by calling the number above or contacting [joanne.wearly@wadnr.gov](mailto:joanne.wearly@wadnr.gov)

**Update on ESA Litigation** Word is that the Endangered Species Act 4(d) litigation initiated by environmental groups will be resolved slowly, given the briefing schedule. National Marine Fisheries Service is expected to deliver the 30-volume record by the end of February. Briefs are then scheduled for spring and summer submittals, with oral argument to be held some time in the Fall of 2001 (at best). No stay of the effectiveness of the 4(d) rule itself, or any of the limitations on take, has been sought.

On another front, the National Association of Homebuilders and Kittitas County have filed a 60-day Notice of Intent against NMFS, challenging the 4(d) rule on the grounds that the MRCI limit is not necessary and advisable for conservation and on Regulatory Flexibility Act grounds. Also EarthJustice Legal Defense Fund has filed a 60-day notice against Puget Power for its dam operations in the Skagit River basin.

It has also been reported that the Oregon Association of Homebuilders and the National Association of Homebuilders have filed suit challenging the critical habitat designation for all the listed northwest salmon species in DC District Court.

## **BOARDS & COMMISSIONS**

**Dave Somers Appointed To Forest Practices Board** Governor Locke has appointed Snohomish County Councilmember Dave Somers to the Forest Practices Board as the county representative. The board sets the rules for timber harvest and management on private lands in Washington.

Before his election to the County Council, where he currently serves as Council Chair, Somers worked for 19 years as a Senior Fisheries Biologist for the Tulalip Tribes in Marysville. In 1991, he founded the Pacific Watershed Institute: a non-profit research and education corporation devoted to sustainable natural resource management.

Somers attended college at the University of Washington, earning a BS in Fisheries Science and a Masters of Science in Ecosystem Analysis. He is a member of the American Fisheries Society, Pacific Fisheries Biologists, Xi Sigma Pi (Forestry Honor Society) and the Washington Agriculture and Forestry Education Foundation Class XI. In 1988, Dave was honored for his dedication to the environment with the Washington State Environmental Excellence Award, presented by Governor Booth Gardner.

Councilmember Somers replaces former Cowlitz County Commissioner Joel Rupley.

## **LAW & JUSTICE**

**Public Works Board Proposal Includes Money For Jails, Juvenile Facilities**

At the request of the state Public Works Board, Governor Gary Locke is considering a proposal to bond Public Works Trust Fund repayment revenue to provide \$600 million additional project capacity over the next three biennia. Part of the bonding proposal, of particular interest to counties, would expand the types of projects eligible for public works loans to include adult and juvenile detention facilities.

The governor will review the proposal and decide whether to forward it to the Legislature in a February update to his budget plan. Legislative approval is required to pursue the bonding plan. However, part of the proposal would remove an existing requirement for legislative approval of individual projects, leaving the full authority to the Public Works Board (PWB). This could help speed the process significantly.

While the state Treasurer has indicated that the Board could comfortably bond up to \$1 billion, the initial proposal is limited to \$600 million. The proposal would expand all PWB existing programs for roads, bridges, water, sewer and stormwater, and would add local adult and juvenile detention facilities as eligible for the Board's low-interest loans. As with the current programs, interest rates for detention facilities would range from one-half percent to 2 percent depending on how much local matching money is put forward. For example, a local 20 percent match would yield a one-half percent interest rate; a local 5 percent match would bring a 2 percent interest rate.

Total loan capacity for all programs in the 2001-2003 biennium would be \$425 million -- \$200 million more than would be available without the bonding proposal. While the proposal does not seek a statutory cap on the amount of money that could be loaned for detention facilities, the Board has indicated it would adopt a 25 percent cap on the amount of funds available for detention facilities. This would ensure about \$106 million for detention facilities in the first biennium. The maximum loan amount for all project types would be limited to \$25 million per project per jurisdiction.

Based on a position adopted last summer by the WSAC Legislative Steering Committee, counties have expressed support for the plan to the Public Works Board staff and governor's office. The Association of Washington Cities also supports the proposal. Opposition may be brewing, however, from the Realtors and the Associated General Contractors.

#### **Jail Operations Bills Introduced in House, Senate**

Under bills introduced last week the state would reimburse counties for the cost of state prisoners in county jails. The WSAC and WASPC legislative committees have previously endorsed both concepts. None of the bills are yet scheduled for hearing.

**HB 1263** and **SB 5428** provide that the state shall pay the costs associated with state agency arrestees booked into a county jail. The most-affected agencies are Fish and Wildlife, public college and university police, and the State Patrol. Under current law cities that use a county jail are required to negotiate with the county on a fee to cover the cost of their use. Per-day fees and booking fees are commonly imposed for city prisoners. State agencies do not currently pay per-day or booking fees at county jails. The House bill was referred directly to Appropriations; the Senate bill will first go to the Human Services and Corrections Committee.

The other jail-related bills, **HB 1262** and **SB 5427**, require state reimbursement for jail time served by inmates who ultimately are sentenced to the state Department of Corrections (DOC) and receive credit against that DOC sentence for the time served pre-trial in the county jail. This amounts to a cost-avoidance for DOC and is costing county jails approximately \$30 million a year.

Both bills have bi-partisan support in both the House and Senate, including members of the corrections committees and the House Appropriations Committee and Senate Ways and Means Committee. The bills each have 16 House sponsors and four Senate sponsors.

#### **Counties' 911 Bill Set For Hearing Monday**

**SB 5335**, a proposal to ensure ongoing local operational assistance from the state 911 office, is scheduled for hearing at 8:30 a.m. Monday, January 29 in the Senate Economic Development and telecommunications Committee. WSAC is working with Senator Sid Snyder, D-Long Beach, who prime sponsored the bill, to put together a panel to testify in favor of the measure, which has bi-partisan support on the committee.

The bill was developed by Enhanced 911 Advisory Committee representatives from a wide spectrum of interest groups active in the providing of Enhanced 911 (E911) services in Washington. Its development is the culmination of long-term discussions of what legislative changes were appropriate to assure that the statewide E911 program continues to provide viable E911 service to the residents of Washington.

The bill removes the restrictions on the use of the statewide E911 tax concerning salaries for those personnel who answer 911 calls. It would allow the money to be used for a variety of operational needs by all counties that levy the full 50-cent local land-line phone tax but don't realize adequate revenue from the tax to sustain 911 services. The bill also removes references to the development of regional 911 operations for call answering and establishes legislative priorities for the use of the statewide E911 account funds.

A House companion bill, **HB 1181**, has not yet been scheduled for hearing.

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## TRANSPORTATION

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#### **Transportation Overview**

It has been another week of work sessions in the transportation committees to educate new legislative members on the transportation budget and transportation revenue structure. In the House, the transportation committee spent more time with training sessions

specifically on the recommendations of the Blue Ribbon Committee on Transportation (BRCT) The Senate did hear an assortment of bills and actually took positive executive action on the controversial Narrows Bridge Toll Project. The one bill that was heard in the Senate (**SB 5139**) that may be of interest to Counties relates to authorization of excess weight permits for trucks carrying cereal grains.

Next week's schedule begins to address some of the recommendations proposed by the BRCT. Although, there have been no bills released, the House Transportation Committee is schedule to hold public hearings on the subject of adjusting the responsibilities of the Washington State Transportation Commission, reviewing transportation administration practices, and extending design-build for public works. Another bill of interest to the Counties that the House will be hearing is **HB 1098**, Improving the effectiveness of the commute trip reduction program.

The Senate Transportation Committee will be holding a roundtable discussion on efficiencies and other success stories for local governments. WSAC president Mike Shelton and County Executive Bob Drewel will be the Association's representatives.

Please contact Jackie White, WSAC staff, for more information.

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## COMING EVENTS

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### **FEBRUARY:**

- 2 WSAC Legislative Steering Committee meeting, Washington Counties Building, Olympia.
- 14 Washington Counties Building and Best Western Aladdin Motor Inn; Auditors: Guest House Inn; Clerks: WestCoast Olympia Hotel; Treasurers: WestCoast Olympia Hotel.
- 14 Legislative reception for State Representatives and State Senators sponsored by WSAC, WACO and AWC, Saint Martins Pavilion, Lacey, 6:00 p.m.
- 15 WSAC Legislative Rally, Olympia.
- 15 WACO Affiliate Meetings continued.
- 16 WSAC Legislative Steering Committee meeting, Washington Counties Building, Olympia.

### **JOB ANNOUNCEMENTS**

**Grant County SENIOR PLANNER** – Salary: \$31,171 - \$38,964 DOE + full benefits package. This is a professional position taking a lead role in a wide variety of complex planning activities and special projects as assigned by the Director. The position requires strong oral and written communication skills with extensive knowledge of land use planning principles, practices, state and federal laws with focus on Washington SEPA & subdivision. Minimum Qualifications: the successful candidate must have a BA in Planning or closely related field, 3-5 years progressively responsible experience with a proven track record. Grant County is a fast growing rural agriculturally based community with exceptional opportunities for outdoor recreation activities. Submit resume, application, supplemental questionnaire and cover letter to Grant County Planning, PO Box 37, Ephrata, WA 98823 by 5 PM February 16, 2001. (509) 754-2011 Ext. 626. EOE.

#### **Mason County**

Gary P. Burleson, Mason County Prosecutor, is accepting resumes through February 16, 2001, for the position of a **LAND USE ATTORNEY**. Must be a member of the Washington State Bar Association and have 3 years land management experience. Salary range is \$4,207.00 to \$4,735.00 depending on qualifications. Main duties will be to provide legal representation in all areas involving land use, including but not limited to: GMA, ESA, and Shoreline matters, and any other duties assigned by the elected prosecutor. Please mail resumes to Gary P. Burleson, Mason County Prosecutor, PO Box 639, Shelton, Washington 98584.

#### **Snohomish County**

##### **ELECTION DIVISION SUPERVISOR-Auditor/Elections**

Salary: \$3,619-\$4,403 per month plus benefits.

Job Opening date: 01/29/01, closing date is 02/12/01

Type of opening: Concurrent

Working hours: 40 hours per week

Application requirements: Submit Snohomish County Application and Supplemental Questionnaire. Apply to: Human Resources Dept, M/S 503 1st Floor, Co Administration Bldg. 3000 Rockefeller, Everett, WA 98201 (425) 388-3411 Job Line: (425) 388-3686 Fax: (425) 388-3579 Application material may also be obtained at [www.co.snohomish.wa.us](http://www.co.snohomish.wa.us)

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## NEWSPAPER ARTICLES

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**Ratepayers Charged Billions For Wildlife** *By Jonathan Brinckman of The Oregonian staff, Thursday, January 18, 2001*  
*The analysis of the nation's costliest restoration effort shows Northwest electricity users have spent \$3.5 billion since 1978.* Those restoration efforts, including spilling water over dams to help salmon and spending money to help fish and wildlife, cost about \$435 million a year. That increases by about 20 percent the price of electricity sold by the Bonneville Power Administration, which markets federal Columbia Basin hydroelectric power. The spending figures, released Wednesday in Vancouver, Wash., by the Northwest Power Planning Council, exclude tax money spent by Northwest states and other federal agencies. Federal officials estimated that could be as much as \$3.5 billion more. The planning council's report comes 21 years after the agency was created to

restore fish and wildlife in the Columbia Basin while assuring a reliable power supply. The governors of Oregon, Washington, Idaho and Montana requested the study in July 1999. Neither power council officials nor BPA officials could say why such a spending estimate had never been made before. The council is charged with developing a salmon and wildlife protection plan while assuring a reliable power supply. It has eight members, two from each of the four Northwest states. The BPA finances the salmon-recovery programs the power planning council recommends. "We've been in a pattern of crisis management," said Larry Cassidy Jr., a Washington member who is chairman of the council. "This report will help us get out of that pattern and looking at the long term." Lorri Bodi, a BPA senior policy adviser, said the report was badly needed. "This kind of thing's been done on a partial basis but never comprehensively. It should have been."

The report, prepared under the direction of Tom Karier, a Washington appointee to the council, gave this breakdown of the \$3.48 billion total:

- \$1.37 billion, or 39 percent, went for electricity costs. Of that, \$698 million in potential revenue was lost because of water spilled from dams to help salmon rather than to generate electricity. And \$668.1 million was used to buy electricity that otherwise would have been generated. The report analyzed spending through 1999 but tallied power costs only through 1998, because 1999 power costs have not been calculated.
- \$1.3 billion, or 38 percent, was spent to reimburse the U.S. Army Corps of Engineers and other federal agencies for capital expenses on salmon programs and to finance operation of federal hatcheries and other programs.
- \$811 million, or 23 percent, in direct spending paid for salmon recovery programs directed by state, tribal or federal agencies or by private contractors. Of that, 42 percent was for habitat improvement, 32 percent was for hatcheries and 23 percent was for modifying dams to make them easier for fish to pass. Measures to make fishing less damaging to threatened species accounted for 3 percent of the spending; they included law enforcement.

Research, monitoring and evaluation accounted for about one-third of all the direct spending. Karier said the results of that research need to be more readily available. "We've spent a lot on research, but we don't have a system for accessing our findings." Separately, the report listed which agencies received the most grant money from BPA. Oregon received the most, \$121 million, followed by the Pacific States Marine Fisheries Commission at \$100 million, Idaho at \$72 million and the National Marine Fisheries Service at \$71 million.

The Gladstone-based Pacific States Marine Fishery Commission, with a staff of 45, doesn't touch 93 percent of its budget but instead uses it to fund data and research programs done by contractors, said Randy Fisher, the commission's executive director. "We're the data people for the entire West Coast and Alaska," he said. "We're lean and mean and get the job done." The Yakima Indian Nation received \$43 million over 21 years, more than any other tribe. The Columbia River Inter-Tribal Fish Commission, which represents four tribes with treaty rights to Columbia River salmon, received \$7.6 million. Don Sampson, executive director of the fish commission, said it makes sense to finance tribal salmon programs. "We will put our programs against anybody's in terms of cost effectiveness and getting fish back in the river. We're getting the job done." The Portland-based council will accept comments on the report for 30 days before issuing a final document.

**Open-Space Program Isn't Just A Tax Break** *By Gordy Holt, Seattle PI, Tuesday, January 23, 2001* -- Some property owners are learning the hard way that a program designed to preserve open space and help struggling farmers can't be used as a tax break. Bob Martin, Clallam County's planning director, is among them. Four years ago, Martin bought 19 acres of Sequim farmland, where he and his wife board two horses and are trying to breed donkeys and llamas. Because the property had once been a working farm, Martin was paying pennies on the tax dollar. Although his annual tax bill could have been as high as \$1,400, he paid just \$26. The discount is available through a special state tax program created to make it easier to stay in farming. But the program's rules must be followed closely. "This is a great program, which was done in the public interest to save commercial agriculture," said Pete Levine, the Revenue Department's open-space specialist in Olympia. "But you have to meet the criteria, and it's a program that needs to be monitored for compliance closely."

Last year, 12 million acres of Washington's farmland, timberland and open space were covered under the program, created in 1970 as the Open Space Taxation Act. There are no size limits, but stiff rules are applied to smaller operations. Farms of more than five acres and less than 20 must document an income of \$200 or more an acre in three of the past five years. Properties smaller than five acres must show \$1,500 income per acre over the same span. If not, the land is taxed as any other piece of real estate, at an assessed value based on its "highest and best use." Last year alone the 12 million acres across the state that were covered by the program, could have been assessed as high as \$10 billion. Instead, they were discounted to \$3 billion creating an estimated tax loss of \$10.5 million and a shift to other taxpayers of some \$80 million, according to Revenue Department officials. But the program has done what it set out to do: preserve open space, officials say. In King County, for example, about 31,925 commercial farm acres have been certified for the program and kept in production. The program allowed farmers in Green River Valley to keep their land even as their neighbors were selling to developers. It allowed a long stretch of the Sammamish Valley north of Redmond to be spared development. And it allowed preservation groups to set aside agriculture lands in the North Bend-Snoqualmie area of east King County.

Some of these acres may not be preserved for all time, but seven years in back taxes at the highest rate is the penalty for leaving. Last year, 11 pieces of King County real estate totaling 181 acres was taken out of the program and paid the price, said Susan Monroe, of the King County Assessor's Office. It's the price now being faced by owners such as Martin and Wayne Wentland. In 1993, Wentland, who now lives in Pennsylvania, bought 4.8 acres of Sequim property as a retirement investment. Although he has already subdivided the site for homes, he was shocked to find out that it may never have qualified as a working farm under his ownership. He

has been billed nearly \$8,000 in back taxes, but says he wasn't aware of the program's conditions. "Maybe I should have known better," he said in a telephone interview. "But the county should have kept me better informed and didn't."

Linda Owings-Rosenburgh, Clallam County's assessor, isn't sympathetic to the claims made by either Wentland or Martin. "If you're already subdividing a piece of property," she said, "why would you ever think you could call it farmland?" She considers Martin's property a hobby farm, "and hobby farms don't qualify for the program," she said. Martin, who heads the county's Department of Community Development, now faces nearly \$9,000 in back taxes, and has appealed his case to the county's board of tax equalization, as has Wentland and two others. Martin said the assessor's report left him "flabbergasted." "While I don't disagree with what Linda is doing," he said, "I think her interpretation is just wrong in my case." In such cases, Doug Knapp, a farmland specialist in the Snohomish County Assessor's office, urges property owners in his county to appeal to their tax board. "I tell people I'll even help them," he said. "That's what the board is there for."

In Clallam County, Owings-Rosenburgh, who is in the third year of her second term as county assessor, admits that a deputy previously in charge of the farmland-review program did not do his job and has been replaced. She described the lapse as "benign neglect," and is sticking to her plan to review all 2,400 properties listed for tax-sheltered agriculture in her county. "This program wasn't meant to be a way you could hold a piece of property for a few years until you get the chance to develop it," she said. "So when people ask me about it in terms of a 'tax break,' I say to them it's not a tax break at all, but a commitment you make to the land, and that it's meant to last forever, not just for a couple of years."

Martin, meanwhile, maintains that his troubles are the result of politics. But Owings-Rosenburgh said Martin was not singled out, but was caught up in a general sweep as she began to review the parcels on the county's books. "Only in two ways would this be considered political," she said. "Either we singled him out, or we left him out. We did neither."

**Corrections Chief Saves County Money Renting Jail Beds** *By David Lester, Yakima Herald-Republic, January 21, 2001* -- Ken Ray, director of the Yakima County Department of Corrections, has found that renting jail beds to other counties and cities helps meet difficult budget demands. Like any enterprising landlord, Ken Ray has the "For Rent" sign in the window and the place spruced up. The director of the Yakima County Department of Corrections, following a county criminal justice plan laid out before he arrived in 1994, has built a bustling business in marketing what is a rare commodity in Washington state—available jail beds. In fact, Yakima County is No. 1 in the state for jail bed rentals. While it may be a dubious honor, it has allowed Yakima to sidestep a host of problems other counties across the state are now facing. Some counties are releasing inmates early or throwing mattresses on any available floor space to try to keep up with a growing population. The issue is beginning to affect cities, too, as counties refuse some of their prisoners.

While Ray gives credit to other county law and justice agencies and county commissioners for the rent-a-bed idea, as well as their support, he's not been shy about putting the plan into effect. He would appear to have little choice. It is, the 42-year-old corrections director said, a matter of financial survival for the county. "Our contracting business has gone from being used to support the county budget to a point where if we didn't have it, the taxpayers of Yakima County couldn't afford the number of people the county has in the system," he said. Without the rental income, the county would be faced with reducing the number of inmates in custody to fit within the available money. County commissioners allocated the department \$4.8 million from the county general fund last year to pay its operating costs. Rentals to out-of-county agencies, charges to cities for some local prisoners, and payments by offenders to participate in programs such as home electronic monitoring and work release generated almost 60 percent -- \$7.2 million—of Ray's nearly \$12.1 million budget for 2000. Income earned by the department is almost as much as the approximately \$8 million the county received in sales tax and investment earnings. Ray said the rental income reduces the need for general county tax dollars to support corrections, leaving more money for other departments. "The more I can get us out of the general fund, the more there is for the rest of the system," Ray said. "We would have fewer sheriff's deputies, for example, if we couldn't sustain this business."

County commissioners imposed an overall 2.17 percent cut in county spending for 2001. Six employees, including two deputy sheriffs, were laid off. Another nine vacant positions were eliminated. Yakima County rents more than 200 beds to federal agencies, other counties and some cities, all of which are located in Western Washington. The department has a total of more than 1,000 beds. The county rents beds to the U.S. Marshals Service, Immigration and Naturalization Service, and the Federal Bureau of Prisons. Snohomish, Pierce and Thurston counties also contract with Yakima County, as do the cities of Olympia, Lacey, Tumwater, Lake Forest Park, and Federal Way. The business brought the county more than \$4.6 million in income last year, allowing it to stretch its resources to other areas and reduce its charges to cities in the county for housing prisoners. In some cases, small Valley cities pay only for medical care provided to their inmates. The county and several larger cities have reciprocal agreements to house each other's prisoners at no cost other than that for medical care. Ray estimates if he could rent all the nearly 250 beds that are still available today, he could cover all his operating costs and turn more than \$1 million back to the county. At current growth rates, Yakima County's available beds will be filled with local prisoners in the near future, perhaps as early as 2004. With that prospect in mind, the county is beginning to look at how to meet its needs and still offer beds to other counties and cities.

Business is booming thanks to chronic overcrowding at county jails across the state. On average, total inmate populations in county jails statewide exceed the rated capacity by 25 percent, according to preliminary results of a 2000 annual jail report being prepared by the Washington Association of Sheriffs and Police Chiefs. In its 1999 final report, the association reported a usage rate of 118 percent. In other words, there are five inmates in custody in spaces that were designed for four inmates. Inmates sleep on floors in some jails. Some counties have limited inmate populations because of a court order or threat of lawsuits. People convicted of driving offenses and petty crimes may wait months to serve sentences. It is a disquieting trend to people like Larry Erickson, executive director of the state Sheriffs and Police Chiefs Association. Erickson wonders what kind of message is being sent to offenders. "It's like disciplining a child. They may do something wrong in January, but you don't get around to disciplining them until July," he said.

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The Washington Association of Counties is getting into the act with a legislative package that seeks to have the state pay for housing inmates charged with state-law violations for drunken driving and other driving offenses. Right now, the state pays nothing. Having the state pick up its costs would help counties deal with rising inmate populations, said Sophia Byrd, who handles law and justice issues for the association. Yakima County is the most aggressive of the three counties that rent space in their jails. The others are Chelan County and Okanogan County, both of which only recently started renting beds. Chelan County Sheriff Mike Brickert is trying to drum up contracts to fill a 40-bed expansion of the Chelan County Regional Jail that will open about Feb. 1. The expansion will bring the county's jail capacity to 295. Further growth is expected. Brickert said the three jail partners—the city of Wenatchee and Chelan and Douglas counties—are relying on bed rentals to cover operating costs for the expansion and for future additions. “If bed rentals enable you to generate revenue to sustain and meet your needs, that is something that needs to be addressed,” Brickert said. “Whether we do it on a permanent basis is to be determined.” Ultimately, the three partners hope to add another 100 beds to the jail. One day, all those beds will be needed for local prisoners, Brickert said. Chelan County, with contracts with the city of Federal Way and the INS, is charging \$56 per inmate per day. Brickert said he may have to lower the price to compete with Yakima County, where charges range from \$48 to \$51 per day. Ray's rental program offers customers a rate cut based on the volume of inmates they send the county. His customers are impressed with the service Yakima County provides. Thurston County Jail Commander Karen Daniels said Yakima County has been able to plan for its growth and avoid being faced with overcrowding. “Ken developed a business plan that dealt with funding their need that was based on knowing there was a need statewide. A lot of us are having problems with locating funding sources to do long-range planning,” she said.

Thurston County dealt with an overcrowding problem that had up to 50 inmates in living spaces designed for 15 by canceling contracts with cities in the county for nonfelony offenders. The move passed the overcrowding problem on to the cities, resulting in a number of Thurston County cities signing agreements with Yakima County. Other cities may find themselves in the same boat if their counties are forced to limit their jail populations. “The cities are the ones in this state that are in a critical situation,” said Daniels. “They either have to ignore the Driving While Under the Influence law, or they have to pay the county for the jail cost if a bed is available, or build their own jails. That cost is astronomical.”