

the Courthouse Journal

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*Washington Association of County Officials
Washington State Association of Counties*

**March 12, 2004
Issue No. 10**

*Inside the
Courthouse Journal*

Budget, Finance & Taxes
Pages 3 - 5

**Courts, Public Safety, Law
& Justice**
Pages 6 - 7

**Elections, Licensing
& Recording**
Page 7

**Environment, Land Use &
Resources**
Pages 8 - 9

General Government Issues
Page 10

**Public Health & Human
Services**
Page 11

**Transportation &
Public Works**
Page 12

**Training & Upcoming
Events**
Page 12

Calendar of Events
Page 13 - 15

**WSAC
Spring
DISTRICT
Meetings**

See Page 2

Session Ends – Wins for Counties, Disasters Averted, Some Losses

Thursday night, the Legislature brought its last session in temporary quarters to a close. The Governor dropped by both chambers to wish lawmakers farewell, as he witnessed the close of his last regular session as Governor.

The entire session had been overshadowed by election politics and the struggle to replace the state's open blanket primary. The struggle to design a primary was the first time in many years that the Legislature had an issue approaching the difficulty of adopting a land use plan in a high growth county. The Governor has served notice that he will take a careful look at the "top two" primary adopted by the Legislature. It is not clear if the Governor can or will veto out the top two provisions leaving only the open primary "private choice" model based on Montana. The political parties promised to go to court to prevent candidates from using party labels without the benefit of party nomination. The Libertarians, in particular, face the prospect of losing their hard fought place on the November ballot in a top two system. In any event, congratulations to the Auditors who worked hard to make sure the Legislature passed a bill that could be administered in the courthouse and understood by voters!

Counties scored a number of wins. Low tax base counties were funded for a second year. Unfortunately the amount is reduced by 20%. The bill shifting timber excise tax on public lands to the counties passed. The bill to restore local government's ability to purchase through purchasing cooperatives or other jurisdictions' contracts passed. Solid GMA improvements for rural villages, farm based activities, land banks and process notices were passed. Two counties received funding for their truly extraordinary criminal justice costs. (Congratulations to King and Pacific!) Smaller counties (many of whom are at the \$1.80 limit and diverting road fund) were granted the power for a new voter

approved 50 cent levy for criminal justice above the \$1.80 limit. Counties also will benefit from legislation dropping the interest on tort judgments to 2 percent above the T-bill rate.

Among the disasters averted was a version of **HB 2400** that many felt would have made it more difficult to prosecute family members accused of child sex abuse. The bill was vastly improved, thanks to hard work by the prosecutors with support from other members of the county family (See full story on pg. 6). A version of sales tax streamlining that would permanently divert county gains on state sales did not make it out of the Senate. Tax increment financing bills that would not protect the tax base of counties and would not allow counties to opt out died.

Among the losses were tax exemptions too numerous to mention here. The Legislature also failed to enact a sales tax streamlining bill.

Lastly, a series of pension changes were enacted that are good for employees, but will increase the strain on county budgets.

This article just mentions selected highlights. Be sure to look through the rest of the Journal for more information. We are working on our session wrap up (including a budget summary) and should have those documents out to you soon.

The staff of WSAC and WACO would like to thank all the county elected and appointed officials who worked so hard this session to take the county message to the Legislature. The lessons we learned last year on the power of working together paid off again this year.

Don't forget...

The Washington Counties' Scholarship Fund (WCSF) is offering five \$2,500 awards to children of county employees and elected officials.

All applications must be postmarked no later than **April 5, 2004**.

More Info & Applications:

www.wacounties.org

and click on [Scholarship Program](#)

The Courthouse Journal

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We welcome your suggestions and contributions. The weekly deadline is noon Wednesday.

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Bill Signing and Effective Dates

If there is a bill that passed the legislature that you are particularly interested in, you can add your name to a list to be notified when that bill is scheduled to be signed by the Governor. Just call the Governor's office at 360-902-4111 and they will contact you with the date and time when action will be taken on the bill. Before Sine Die, the legislature's adjournment last night, the Governor had 5 days, excluding Sundays, to take action on any bill

passed by the Legislature, providing adjournment did not occur within those 5 days. Now that the legislature has wrapped up its business, the Governor has 20 days, excluding Sundays, to sign bills. April 3 is the last day for the Governor to act on bills.

Measures passed during the session are effective 90 days after the end of the session, June 11, 2004, unless otherwise specified in the bill.

Register Today for WSAC District Meetings...

The WSAC Spring District meetings take place in April and offer the opportunity to focus on issues of regional concern to counties and county elected officials. The WSAC Eastern District meeting will be held at Campbell's Resort in Chelan County April 8 - 9, 2004. Two weeks later, April 22 - 23, the WSAC Western District meeting will be held at the Heathman Lodge in Clark County.

Brief descriptions of both meetings are provided below. Full details have been e-mailed to Eastern District members and are available on the WSAC website. Please sign up now to get advanced registration rates. FAX your registration now - payment can follow. Also, please secure your sleeping room reservations as soon as possible.

Eastern District Meeting April 8 - 9

The program begins with the Eastern District Business meeting and a Commissioners' Roundtable, on Thursday morning, followed by an update on watershed planning and salmon recovery from federal, state and local perspectives. Chelan and Douglas counties have arranged for an afternoon watershed tour for commissioners and other conference participants.

Friday's agenda will include a Legislative Wrap-Up and Emergency Management Training, being developed by state and local emergency responders. You don't want to miss "Are You

Prepared? What County Officials Should Know About Emergency Management". This workshop is an introduction to the roles and responsibilities of local elected officials before, during and after an emergency or disaster.

Campbell's will release the block of rooms on **March 15**.

Western District Meeting April 22-23

The program begins with the Western District Business meeting and a Commissioners' Roundtable on Thursday morning followed by an update on growth management legislation and a discussion of future steps. The afternoon features a workshop from legal experts to advise you on how to build a record and prevail against GMA challenges. John Pennington, Regional Director of the Federal Emergency Management Administration, is our luncheon speaker on Thursday.

Friday's agenda includes a brief Legislative Wrap-Up, an update on Watershed Planning Implementation, and an Emergency Management workshop. You don't want to miss "Are You Prepared? What County Officials Should Know About Emergency Management" -- an introduction to the roles and responsibilities of local elected officials before, during and after an emergency or disasters.

The Heathman Lodge will release the block of rooms on **March 31**.

NOTE: Legislative Committee schedules and agendas can be found at <http://www.leg.wa.gov/wsladm/calendar.cfm>

Interlocal Agreement Act Amended to Allow Joint Purchasing

At the last moment **HB 2615**, an act relating to modifying the interlocal cooperation act regarding notice requirements for contracting, passed the Senate on a unanimous vote. It is now on its way to the Governor.

This bill clarifies the long-standing practice of allowing local governments to use the interlocal agreement act to make purchases off of other jurisdictions bids, thus gaining the advantage of large pooled cooperative purchasing plans. The State Auditor issued a memo last year based upon an Attorney General's opinion that local governments were not in compliance with the public notification requirements of the bidding procedures.

This bill will now allow public agencies purchasing or contracting through a bid, proposal, or contract awarded by another public agency or group of public agencies, the obligation to provide notice for bids or proposals is satisfied if the public agency awarding the bid, proposal, or contract complied with its own statutory requirements and either: a) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations; or b) provided an access link on the state's web portal to the notice.

This bill was a priority of the Tri-Association in cooperation with public schools and will provide substantial savings to jurisdictions using the process. Special thanks should be sent to the prime sponsor Representative Fred Jarrett. Also special recognition needs to go to Jim Justin of the Association of Washington Cities and Michael Shaw, a lobbyist for Pierce County for their hard efforts.

Property Tax Exemption for Federally Recognized Indian Tribes Passes Legislature

SHB1322 would exempt from taxation property owned by a federally recognized Indian tribe and used for essential government services. Essential government services are defined by the bill to be such things as tribal administration, public facilities, fire, police, public health, education, sewer, water, environmental and land use, transportation and utility services.

The bill passed the Senate Floor March 11, with 40 yeas, 8 nays. Those voting no were Senators Brandland, Carlson, Hewitt, Honeyford, Mulliken, Parlette, Stevens and Thibaudeau.

Bills of Interest to Assessors and Treasurers Passed by the Legislature

The following bills are on their way to the Governor for action.

HB 2519 - Allows a voted, \$.50 county property tax levy in counties with a population of less than 90,000 for criminal justice purposes.

ESHB 2693 - This phases in a county's ability to impose a 4% excise tax on public timber and phases out the personal property tax (See full story on pg. 5).

SHB 2878 - Makes substantive and technical changes in various county treasurer statutes. It includes procedures to be followed by county coroners with respect to the disposition of unclaimed property of a decedent. It requires that upon filing an affidavit attesting a mobile home has been destroyed, it must be removed from the tax roll and outstanding taxes removed. It also clarifies that late filing penalties collected with respect to personal property affidavits be distributed in the same way as other property tax interest and penalties.

This bill was a priority of the County Treasurers' Association, as well as a part of the WACO legislative package.

ESHB 3116 – Re-enacts property tax exemptions for nonprofit blood, bone, and tissue banks that were invalidated by court action and extends the exemption to include comprehensive cancer centers.

ESB 5232 & SJR 8208 - The bill allows multiyear excess property tax levies for cemetery districts. The joint resolution will require a vote to amend the State Constitution.

SSB 5326 - Allows for the creation of regional fire protection service authorities by fire protection districts, cities, towns, ports and tribes. It authorizes a \$1.50 levy and the authority to impose benefit charges. It would reduce the levies of participating districts by the rate levied by the new authority.

ESSB 6140 - Exempts unstaffed public or private electric utility facilities from subdivision requirements.

SB 6141 - Department of Revenue's clean-up bill exempting vehicles carrying exempt licenses from property taxation.

SSB 6211 - Changes the school district excess levy base calculation.

SSB 6216 - Assessors' priority legislation adding incidental use to the timber land statutes.

SB 6237 - Provides nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

SSB 6581 - Another assessor bill that amends the multi-parcel fire patrol exemptions by not allowing applications for fewer than six parcels.

New, More Costly Pension System for Corrections and Other Public Safety Employees

The Legislature created a new retirement system with the passage of

Budget, Finance, and Taxes (continued)

HB2537, called the Public Safety Employees' Retirement System (PSERS) Plan 2. Full-time employees within the following job classes are eligible for enrollment in PSERS 2: state and local corrections officers, state park rangers, enforcement officers of the Gambling Commission and the Liquor Control Board, and commercial vehicle officers not belonging to the Washington State Patrol Retirement System. Under PSERS 2, members with five or more years of service are eligible for normal retirement at age 65. Members may instead choose unreduced retirement beginning at age 60, provided that they have at least ten years of service credit in PSERS. Early retirement is an option beginning at 53 years of age for those who have 20 or more years of service. The retirement allowance of members who choose early retirement is reduced by 3 percent per year of difference between their age at retirement and age 60. All other provisions of the plan are equivalent to the provisions of PERS 2.

New eligible employees are automatically enrolled in the new plan. Current members of PERS 2 and PERS 3 are given the option of transferring to PSERS 2 for the purposes of future service credit only. This election must be made by September 30, 2006. Members choosing to transfer become dual members of PERS and PSERS. Eligible members of PERS 1 remain in PERS 1.

The estimated 25 year cost is \$44 million to local governments and \$91 million to the state. The bill will allow members of the new system to retire at age 60 or age 55 with an actuarial reduction. To pay for the new enhancement in benefits the contribution rates will increase by 3% until 2009 and then about 1% into the future.

New Disability Provisions for LEOFF 2 - HB 2418

Currently, if a member of the Law Enforcement Officers' and Fire Fighters' Retirement System, Plan 2 (LEOFF 2) becomes disabled for any reason, the system offers two benefits. First, a member may receive a retirement allowance based on 2 percent of average

final salary formula that is then actuarially reduced to reflect the difference between age 53 and the age at disability. This actuarial reduction is about 8 percent per year, so a member leaving service by disability at age 48 would receive a reduction of about 40 percent. This retirement allowance is subject to federal income tax. Instead of receiving a retirement allowance as outlined above, a disabled member of LEOFF 2 may request a refund of the member's accumulated contributions or, if the member has at least 10 years of service, a refund equal to 150 percent of the member's accumulated contributions. In either case, a member who requests a refund of contributions is ineligible for a disability or service retirement allowance.

Under **HB 2418**, the retirement allowance for LEOFF 2 members who are disabled in the line of duty since January 1, 2001 is revised to 10 percent of their final average salary plus 2 percent of their final average salary per year of service beyond five. The portion of the benefit calculated at 2 percent per year of service is subject both to actuarial reduction to reflect the difference between age 53 and age at retirement and to federal income tax, while the first 10 percent of the benefit is subject neither to the actuarial reduction nor to the income tax. As an alternative to receiving a retirement allowance as outlined above, a member of LEOFF 2 who is disabled in the line of duty may request a refund equal to 150 percent of the member's accumulated contributions.

New Benefit for LEOFF 2 Deaths in the Course of Employment - HB 2419

Currently, several death benefits are payable to Law Enforcement Officers' and Fire Fighters' Retirement System, Plan 2 (LEOFF 2) members who die while in active service. Among these is a survivor benefit paid to the spouse or eligible survivor. This survivor benefit takes the form of the greater of: 1) the member's accumulated contributions, or if the member has ten or more years of service, 150 percent of the member's

accumulated contributions; or 2) the member's earned retirement benefit, reduced for payment in the form of a survivor benefit and also reduced from the LEOFF 2 normal retirement age to the member's age at death. The survivor benefits paid on behalf of members of the Public Employees' Retirement System, the School Employees' Retirement System, and the Teachers' Retirement System killed in the course of employment are not subject to early retirement reductions. The survivor of a LEOFF 2 member who dies as a result of injuries sustained in the course of employment is also eligible for a \$150,000 lump-sum death benefit and may be eligible for additional benefits from the Department of Labor and Industries, which includes payment of burial expenses and a monthly benefit of 60 percent of gross wages, up to a maximum of 120 percent of the state's average wage.

Under **HB 2419**, the survivor benefit paid from a member's earned retirement benefit to survivors of LEOFF 2 members killed in the course of employment is not subject to an early retirement actuarial reduction.

Legislature Passes New Retirement Option for PERS Plan 2 and 3 - HB 2535

This bill provides that a member who applies for early retirement in PERS or SERS Plan 2 or Plan 3 may, at the time of retirement purchase up to five years of additional service credit. The cost of the additional service credit is the actuarial equivalent value of the resulting increase in the member's benefit. A member may pay all or part of the cost of the additional service credit with an eligible transfer from a qualified retirement plan (such as deferred compensation or 401k). Additional purchased service credit could not be used to qualify a member for the three percent per year early retirement reduction available to members of PERS and SERS Plan 2 or Plan 3 with 30 years of service. As the Courthouse Journal went to press no detailed information about employee costs were available. Watch the

Budget, Finance and Taxes (continued)

Department of Retirement Systems website for detailed information.

Timber Excise Tax Proposal Unanimously Passes Legislature

ESHB 2693, sponsored by Rep. Bill Hinkle (R-Kittitas County), won a 49-0 vote in the Senate after a 93-0 House vote in favor. Over a 10-year period, **ESHB 2693** is anticipated to increase revenue to counties (and junior taxing districts) from timber harvest on public lands by at least \$4.5 million annually.

The bill eliminates the property tax on timber and gradually increases the county share of excise tax to four percent.

Although the tax required does not change, the timber industry also will benefit from elimination of tax paperwork.

Tax Increment Finance Improvements Die

Just as was the case last year, amendments to improve and enlarge Washington's existing tax increment

finance (TIF) program were alive and in play until the final day of session. Opposition from a group of Seattle legislators concerned about community impacts and continued disagreement the control and process for TIF tax shifts continued to plague the proposals.

Courts, Public Safety, Law & Justice

Late in passing.....

HB 2313 came back to life unexpectedly on the final hours of the legislative session and will now require regulation of bail bond recovery agents. The bill also requires recovery agents to notify law enforcement when they will execute a planned forced entry. **HB 2313** was reported "dead" for the past week but an agreement between House and Senate leadership allowed several bills to be revived if they "died" as a result of both houses adjourning early on last Friday's cutoff.

Of Interest to law enforcement:

SB 6161, law enforcement policies regarding domestic violence, has been delivered to the Governor and will require that a state model policy be developed addressing how law enforcement agencies respond to allegations of domestic violence committed by sworn employees. The policy must be developed by December 1, 2004 and that responsibility is given to the Washington Association of Sheriffs and Police Chiefs (WASPC), in conjunction with state and local law enforcement, victims' rights organizations, and all other appropriate organizations. **SB 6161** also sets deadlines for local agencies to adopt policies and train personnel.

Delivered to the Governor

The following bills have been delivered to the Governor to be signed into law:

HB 2519, law enforcement property tax levies;

SHB 3055, admissibility of breathalyzer test;

ESHB 3078, sealing of juvenile records;

SBH 3083, child abuse investigations;

E2SSB 5216, criminally insane investigations;

3SSB 5214, identity theft (biometric drivers' license);

SB 6357, criminal trespass;

SB 6378, unlawful recording of motion pictures;

SSB 6389, weapons in airports.

To read the text of any of these bills, bill reports, or roll calls on the bills, go to www.leg.wa.gov and click on Bill Information.

Legal Financial Obligations

SSB 5168 has been delivered to the Governor for his signature. **SSB 5168** will allow judges to lower the interest on legal financial obligations upon a showing of "good faith effort" and will let clerks adjust payments and have access to employment security information. The substitute bill incorporated all the provisions of **SB 6588** that the county clerks developed.

Sleeper Bill Discovered by County Clerks

King County Clerk Barbara Miner wins the dubious distinction of discovering **ESSB 6472**, revising provisions relating to victims of crimes. How **ESSB 6472** moved through the legislature with no one noticing remains a mystery but none the less, **ESSB 6472** is on the Governor's desk. The bill not only clarifies juvenile restitution and victims, but also gives judges the discretion to relieve a juvenile offender of an obligation to pay restitution if the juvenile does not have the means to pay and could not reasonably acquire the means to pay over a ten-year period. Judges may also waive restitution in diversion cases and if that relief is granted, the court may order an appropriate amount of community restitution (compulsory service for the benefit of the community). The crime victim penalty cannot be converted to community restitution.

Special Sex Offender Sentencing Alternative Gets Tightened Criteria

ESHB 2400, sentencing for sex crimes against children, passed the Legislature and will be headed to the Governor shortly. The amended version that finally passed made changes to current law. It tightens the entrance criteria to the Special Sex Offender Sentencing Alternative (SSOSA). It increases conditions imposed and

monitoring of SSOSAs. The court may impose a term of up to 12 months, not subject to early release (as opposed to current law where up to 6 months may be imposed). This will create a jail impact that needs to be addressed in the next budget. Within the increased monitoring of offenders while undergoing treatment, are annual court review hearings. This is good policy, but will also need to be funded next year before the law goes into effect on July 1, 2005.

The legislation directs that during the interim the Washington State Institute for Public Policy must conduct a comprehensive analysis and evaluation of sex offender sentencing policies in Washington, including SSOSA (Special Sex Offender Sentencing Alternative), risk levels, and the prison treatment. The institute must report by December 31, 2004.

The Sentencing Guidelines Commission must review sentencing policy for sex offenders, including SSOSA policy, to determine whether modifications need to be made and report to the appropriate standing committees of the Legislature by December 31, 2004.

These studies and the fiscal impacts will be addressed by the 2005 Legislature – so while we dodged a bullet this session, more work remains.

Legislature Addresses Some Liability Issues

After two years of pushing by proponents of liability reform, the Legislature has passed several bills that begin to address local government concerns about civil liability. Although considered among the less-controversial proposals, these bills were hard-fought by trial lawyers and, if signed by the governor, will mark progress toward reform.

Both the House and Senate have passed the following bills: **SHB 2485**, reducing the interest rate on tort judgments from 12 percent to 2 percent above T-bills; **SSB 5732**, which changes case management responsibilities of a

Courts, Public Safety, Law and Justice (continued)

county Area Agency on Aging from "ensuring" to "verifying" that a patient's plan of care is adequate; **SHB 3083**, which provides immunity for persons who cooperate in child abuse investigations; if the person acts in good faith and did not cause or allow the child abuse or neglect to occur.

Although not directly affecting local government, passage of **2ESSB 5536**,

relating to claims against builders of condominiums, is expected to help governments achieve population density in urban areas by removing existing barriers to condo construction.

Thanks to all the county officials who testified at hearings and relentlessly telephoned/emailed legislators in support of these and the other liability bills that didn't pass. WSAC will be sending

letters asking Governor Locke to sign the bills into law.

Elections, Licensing and Recording

Top Two Qualifying Primary Sent to Governor Locke

Amid much speculation, the legislature has sent Governor Locke **ESB 6453**, the Louisiana-style primary bill that allows voters to cast ballots for any candidate, with the top two vote getters advancing to the General Election, regardless of party. This legislation is the most closely aligned with the state's nearly 70-year-old blanket primary which has been declared unconstitutional, as well as the choice of the voters.

In an unusual move, the House placed a fallback position in the bill. Should the courts see fit to throw out the Top Two System, then the state would revert to the "Montana" primary, requiring voters to choose only one party's ballot. There would be no record of who chose what ballot.

Governor Locke made it clear that he preferred a version of the Montana

primary and all eyes are on his veto pen. Supporters of the top two fear that the Governor may veto those sections of the bill, leaving the Montana primary in place. If the partial veto occurs, the State Grange is primed to sue, and if successful, the state will be left without a primary. In that case, every candidate who files for office would end up on the General Election ballot in November.

The state's political parties have promised to sue no matter whether the Governor signs the bill as it is or uses a partial veto. It is possible, however, that if the Governor signs the bill in its entirety that the Louisiana primary would survive court challenges. The Governor is keeping mum as to what he will do.

Increasing Marriage Licenses for Domestic Violence Funding Dies

HB 2481, increasing marriage license fees by \$10 to fund community-based

domestic violence programs and amended to allow county auditors to collect an additional \$3.00 for marriage licenses to fund domestic violence prevention services within the county died in the Senate Ways & Means Committee. The bill was heard in the Senate Judiciary Committee on February 26, and was passed to the Rules Committee on February 27. The bill was then placed on motion to be referred to the Senate Ways & Means Committee, and never made it any further.

Other Bills of Interest to County Auditors

HB 2694, revising distribution of funds for operating and maintenance of very low-income housing projects was passed out of the Senate Ways & Means Committee on Monday, March 1. The bill died on the Senate Floor Calendar.

Environment, Land Use and Resources

State Land Acquisition Bills Die

Strong business community opposition to expanding the Washington Wildlife and Recreation Program (WWRP) to include riparian area acquisition prevented passage of **SSB 6082**, sponsored by Senator Linda Parlette (R-Chelan County). In addition to adding the riparian category to WWRP, **SSB 6082** would have required state agency payment in lieu of taxes (PILT), improved land management of existing state properties, and improved county access to WWRP funds and input into new purchases.

The Building Industry Association of Washington and the Farm Bureau oppose the WWRP, a Capital Budget item that typically dedicates \$40 to \$50 million a biennium for land acquisition for habitat and for recreational purposes. Ironically, passage of **SSB 6082** would have reduced land acquisition by shifting 15% of the funds to management of existing lands.

SSB 6242, also sponsored by Senator Parlette, was a hostage in the battle over **SSB 6082** and died as well. A WSAC priority, it was linked because it directed state agencies engaged in land acquisition to develop a strategic plan for habitat acquisition and disposal, taking into account existing state, federal and local lands before purchasing more property.

Expect both items back next session.

Cougar Management Legislation on Governor's Desk

SSB 6118, establishing a collaborative cougar management pilot program between counties and the Department of Fish and Wildlife, passed the Legislature late last week and is on the Governor's desk. As amended by the House, the bill is expanded to allow additional counties to request inclusion in the pilot. The Humane Society, while opposed to passage of any cougar legislation, was helpful in crafting an acceptable

compromise that gathered 90 votes in the House.

Stormwater Management Legislation Passes

Legislation agreed to by the business and environmental communities that restructuring the process for regulating stormwater generated by industrial and construction permittees, emerged as the biggest water legislation of the 2004 session, dwarfing any other water resources legislation. **ESSB 6415**, sponsored by Senator Bob Morton (R-Ferry County), resolves litigation over the industrial and construction permit, establishes a preference for narrative regulatory standards and a BMP-based compliance system that is backed up by inspections, monitoring, and adaptive management. **ESSB 6415** has no direct impact on municipal stormwater systems and permits – although the inspection and monitoring program likely will reduce stormwater contributions from those permittees, improving water quality. The increased program costs for inspection and monitoring will be borne by industrial and construction permittees.

Fruit Tree Burning Options Expanded

Orchards within urban growth areas that have gone out of business or are changing to other types of agriculture have had difficulty disposing unneeded fruit trees, increasing the possibility of spreading horticultural pests and diseases to productive orchards. **SSB 6155**, sponsored by Senator Linda Parlette (R-Chelan County), creates an exemption to the Washington Clean Air Act to allow for increased on-site burning of fruit trees and woody debris within urban growth areas where alternative disposal methods do not exist.

Hard Work Pays Off - GMA Workgroup's Requests

The GMA Workgroup's efforts over the summer and fall have paid off. The Legislature really appreciated the workgroup's efforts to reach consensus on several changes to the GMA, and

adopted most of the workgroup's request bills this session. The group did fail to reach consensus on changes to best available science with other parties, on timeline adjustments, and on the definition of a basic update. The Legislature is encouraging the workgroup to continue the process to work through issues as they come up. The following are the GMA Workgroup bills that did pass the Legislature.

SSB 6534 changes the siting and development process for industrial land banks.

ESHB 2905 provides for additional development and redevelopment flexibility for type 1 LAMIRDs. The bill is now finally agreed to by all parties in the GMA Workgroup.

SHB 2781 allows CTED, through rulemaking, to develop a list of development regulations that must be submitted to the state for 60-day review.

SB 6237 provides limited commercial and retail development on agricultural lands of long term significance.

The following are GMA bills also passed by the Legislature.

SSB 6367 protects the integrity of national historic reserves in urban growth areas. This bill is intended to protect the Eby Island reserve in Coupeville.

HB 2811 requires the buildable land counties to publish their annual permit performance reports annually on their webpage.

SB 6488 requires CTED to study the designation of agricultural lands of long term significance in Chelan, King and Yakima counties. The bill was amended in the House Local Government Committee to include Lewis County.

Tire Recycling Bill Dies

Remaining in Senate Rules, **ESHB 3054** failed to make it through the Session. The WSAC Legislative

Environment, Land Use and Resources(continued)

Steering Committee strongly supported a good tire recycling program and funding for the removal of tires and for the ongoing maintenance of a tire enforcement program. Because all of the stakeholders did not agree on the bill as originally drafted, if it had survived the session, it was moving towards a study bill.

Throughout the session representatives from several stakeholders (including WSAC) committed to a study during the interim whether or not there was a bill. We are hoping that all remain committed to that. If not, WSAC will independently pursue legislation next session that provides funding for counties to maintain an ongoing tire program (including enforcement) and provides funding for tire pile removal.

Electronic Waste Bill Passes

As **ESHB 2488** moved through the legislative process, it changed from an implementation bill to a study bill. The

bill calls for DOE, in consultation with the Solid Waste Advisory Committee, to conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program. DOE will identify and evaluate existing projects and encourage new pilot projects that allow for new information to be obtained. In evaluating new and existing projects, factors to be considered include:

- Urban vs. rural recycling challenges and issues;
- The involvement of covered electronic product manufacturers;
- Different methods of financing the collection, reuse, and recycling programs for covered electronic products;
- The impact of the approach of local governments, nonprofit organizations, waste haulers, and other stakeholders;
- How to address historic and orphan

waste; and

- The effect of landfill bans on collection and recovery of covered electronic products.
- In addition to other issues, the study is to also examine the need for and develop recommendations to address electronic waste collection, reuse, and recycling services, and financing options for charities, school districts, government agencies, and small businesses. Reports are to be made to the appropriate committees of the legislature by December 15, 2004 and December 15, 2005.

General Government Issues

WACO Priority Bill Dies on Senate Floor Calendar

SHB 1594, the chief financial officer in a charter county bill made it all the way through the House and was one "pull" away from a vote in the Senate when the Senate adjourned early on Friday, March 5. The Senate adjourned early to avoid taking a vote on **HB 1809**, a gay-rights measure. Just the week before the bill was heard in the Senate Government Operations & Elections Committee. The bill had favorable testimony from Mason County Auditor Al Brotche, Klickitat County Auditor Diana Housden and WSAC Deputy Director Paul Parker. Also testifying to the original intent of a statutory clean-up bill passed in 1995 that inserted the term "chief financial officer" was State Auditor Brian Sonntag. **SHB 1594** was passed out of committee that very day and was referred to the Rules committee. WACO members worked diligently with their legislators to get the bill "pulled" from Rules onto the Senate Floor Calendar and were successful. **SHB 1594** died along with 100 other House bills in the Senate due to the early adjournment. The House followed suit by adjourning right after the Senate, assuring that many Senate bills would die as well.

First County Seat of Okanogan County is Established at Ruby City on March 7, 1888

From www.historylink.org

On March 7, 1888, the first county seat of Okanogan County is established at the mining town of Ruby City. Seven months later, voters disgusted with the unruly nature of Ruby City, will move the county offices to Salmon City, which is renamed Conconully. In 1914, the county seat will move for the last time to Okanogan.

In the 1880s, silver was discovered in the Okanogan Valley and Ruby City became a center of production. The town also became one of the wildest towns in the West. The area was part of Stevens County and miners, ranchers, and businessmen with official business had to trek 200 miles to the county seat in Colville. In 1888, local residents managed -- over the stiff opposition of Colville politicians -- to get a bill through the Territorial Legislature establishing Okanogan County.

Three county commissioners were named in the bill to establish the county: rancher William Granger, Ruby City store owner George Hurley, and Harvard-educated cattleman Guy Waring. The three met in a log cabin in March 1888 to organize a county government. Ruby City and Salmon City both vied for the honor of being county seat. In his memoir, Commissioner Waring described how, "Whores,

thieves, and drunkards, and other notorious citizens of the mining town were on hand. They were agreeably drunk, and serenaded us so loudly that it was difficult for anybody inside the ranch house to hear himself speak." By the next day, the partisans had swung Granger to their cause and Ruby City became the county seat.

County officials set up shop in leased space in Ruby City, but the treasurer was so distrustful of the place that he hid the treasury in a baking powder can buried on his farm. In November 1888, the voters of the county moved the seat to Salmon City, which was renamed Conconully. Ruby City's fortunes faded with the Panic of 1893 and the crash in silver prices in 1899, and was eventually abandoned.

Conconully fought off several efforts to move the county seat to Chelan (which eventually formed its own county). Riverside took a run at being the county seat in 1908 and even built a courthouse. Twisp and Oroville tried in 1911. In 1914, the agricultural communities of Okanogan and Omak contended mightily for the honor. Okanogan won that election and by Christmas 1914, Okanogan was the county seat of Okanogan County.

Sources:

David L. Chapman, "Everything Rolled Downhill: A Brief History of the Okanogan County Courthouse," *Columbia: The Magazine of Northwest History*, Winter 1999-2000, pp. 18-23.

Public Health and Human Services

Human Services Big Wins and Small Losses in the Final Budget

The final budget has been agreed to by the House and the Senate. All in all human services did very well, especially in those areas counties are particularly interested in.

WSAC will do a complete summary in the next week but among the good news is the following:

Children & Family Services:

- \$2.0 million for domestic violence shelters and services.
- Savings of \$.182 million for **SHB 2554** child support for children with developmental disabilities in foster care.
- \$2.3 million for foster care system improvements in response to federal Child and Family Services Review.

Mental Health:

- Restoration of the \$5.7 million ratable reduction to the RSNs.
- Census to remain at 642 at Western State Hospital and 191 at Eastern State Hospital for the 2003-2005 biennium including the PALS beds.
- Joint legislative and executive task force authorized to study public mental health system including:
 - a) progress made toward performance-based system and reduction of duplicative and burdensome administrative and oversight requirements;
 - b) funding requirements for non-medicaid consumers for priority populations;
 - c) current funding distribution methodology;
 - d) most effective and efficient mental health funding and payment models in light of requirements of the BBA; and
 - e) types, numbers and locations of inpatient psychiatric hospital and

community residential beds in both the private and public sector

- \$160,000 for implementation of **E2SSB 6358** (treatment orders)
- \$2.47 million for increased hourly rates for legal fees charge to special commitment program
- \$100,000 for acute care study for maintaining and increasing the number of beds available for treatment of persons experiencing acute psychiatric emergencies including both state and community acute care beds.

Developmental Disabilities:

- Additional \$2.1 million for community residential and support services adding children aging out of other services and current waiver clients who have an immediate need for increased services.
- Additional \$1.6 million for community protection clients adding prioritization for 1) clients being diverted or discharged from state psychiatric hospitals, 2) participants in the DMIO program, 3) community protection and 4) mental health crisis diversion outplacements.
- \$1.3 million for employment and day services.
- \$.602 million wage increase for agency home care providers.
- \$2.499 million for development and implementation of needs assessment instrument.

Aging and Adult Services:

- \$3.89 million wage increase for agency home care providers.
- \$.5 million for Area Agencies on Aging and their contractors for support services for kinship caregivers.
- \$4.5 million for Area Agency on Aging case management.

Economic Services:

- GA-U reduction not taken.
- \$1.25 million for Workfirst/Limited English Proficient pathway.

- \$.127 million for **SB 6411**, reducing hunger (includes authority to issue Food Stamps to convicted drug offenders).

Alcohol and Substance Abuse:

- \$500,000 restored to TASC.
- \$500,000 for problem gambling.

Medical Assistance:

- \$42.5 million additional DSH funds of which \$12m for state psychiatric hospitals.
- \$10 million additional funds for medically indigent program for hospitals to provide charity care.
- \$20 million additional medicaid funding for uncompensated care at Harborview and UW hospital.
- \$43.6 million to reduce premiums to be paid by low-income children.

Department of Community, Trade and Economic Development:

- \$2.150 million for **2SHB 2818**, establishing the homeless families services fund.
- \$2 million for civil indigent legal services.

Statewide Smoking Ban Fails to Survive Session

Despite a significant amount of work right to the end, on the part of both legislators and stakeholders, acceptable legislation banning smoking in public places, statewide, failed to materialize. The interests of the tobacco and hospitality industries and the interests of the tobacco prevention advocates were too far apart. Both sides are contemplating running an initiative. Still in play is the outcome of the Pierce County Board of Health appeal of the Superior Court action on their Smoking Ban. Once heard and decided, the question of local Board of Health authority versus state preemption in the Clean Indoor Air Act will be answered.

Transportation and Public Works

The Legislature Passes a Supplemental Transportation Budget

Transportation committee chairs finally agree on changes to the regional transportation investment district Thursday evening. The next Courthouse Journal will provide a summary of **ESHB 2474**.

No Changes to the Regional Transportation Investment District

The House and Senate attempted to reach an agreement on changes to the existing Regional Transportation Investment District (RTID) legislation and creating the authority for new ones to be created outside of central Puget

Sound. The principal difference centered around where the funds can be invested. The RTID executive committee sought several technical changes and some spending flexibility. The interest groups sought even greater flexibility. The Legislature failed to reach an agreement.

Training and Upcoming Events

<i>Training or Workshop</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
APRIL 2004			
WA Association of Prosecuting Attorneys Spring Training Program	Spokane	April 21-23	(360) 753-2175
MAY 2004			
WA Association of Prosecuting Attorneys Support Staff Training Program	Campbell's Lodge, Lake Chelan	May 12-14	(360) 753-2175
JUNE 2004			
WA Association of Coroners and Medical Examiners' Training	Campbell's Lodge, Lake Chelan	June 22	(360) 427-9670 x 752
JULY 2004			
WA Counties Risk Pool - Risk Managers Training	Shilo Inn, Ocean Shores	July 20	(360) 586-7447
WA Counties Risk Pool - Board of Directors Workshop	Shilo Inn, Ocean Shores	July 21	(360) 586-7447
SEPTEMBER 2004			
WA Association of Prosecuting Attorneys - Juvenile Training Program	Icicle Inn, Leavenworth	September 12-14	(360) 753-2175
WA Association of Prosecuting Attorneys - Drug Training Program	Icicle Inn, Leavenworth	September 15-17	(360) 753-2175

Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
2004			
WA State Association of County Auditors Recording Conference	Sun Mountain	March 16 - 18	(360) 753-7319
Association of County Human Services Meetings	Pierce County	March 17 - 19	(360) 753-1886
WA Counties Insurance Pool Board Meeting	Red Lion Yakima Gateway, Yakima	March 18	(360) 586-0466
WA Counties Insurance Fund Board Meeting	Red Lion Yakima Gateway, Yakima	March 18	(360) 586-0466
Insurance Advisory Committee Full Membership Meeting	CANCELLED	March 18	(360) 586-0466
WA State Property Records Education Partners (PREP) Meeting	Sun Mountain Lodge, Winthrop	March 19	(360) 753-7319
WA County Administrative Association Annual Conference	Leavenworth	March 24 - 26	(360) 397-2232
WA State Association of Counties - Eastern District Meeting	Campbell's Resort, Chelan	April 8 - 9	(360) 753-1886
ACE Committee (Payroll & HR)	Yakima Convention Center	April 14	(360) 586-0466
WA Counties Risk Pool Risk Managers Roundtable	Icicle Inn, Leavenworth	April 14	(360) 586-7447
WA Counties Risk Pool Spring Board Meeting	Icicle Inn, Leavenworth	April 15	(360) 586-7447
WA Association of Prosecuting Attorneys Spring Training Program	WestCoast Ridpath Hotel, Spokane	April 21-23	(360) 753-2175
WA State Association of Counties Western District Meeting	Heathman Lodge, Vancouver	April 22 - 23	(360) 753-1886
WA State Association of County Auditors' Elections Conference	The Coast Wenatchee Center Hotel, Wenatchee	May 10-12	(360) 336-9420
Association of County Human Services Meetings	Chelan County	May 19 - 21	(360) 753-1886
WA Association of Prosecuting Attorneys/ Support Enforcement Project Annual Training Symposium	Best Western Lakeway Inn, Bellingham	May 3 - 7	(360) 753-3953
WA State Association of Police Chiefs Spring Conference	Yakima Convention Center, Yakima	May 24 - 27	(360) 486-2380
WA Association of Prosecuting Attorneys District Court Training Program	Icicle Inn, Leavenworth	June 3-4	(360) 753-2175
WA State Association of County Assessors Annual Conference	Hallmark Inn, Moses Lake	June 14-16	(360) 753-7319
WA State Association of County Auditors' Annual Conference	Lakeway Inn, Bellingham	June 16 - 18	(360) 753-7319
WA Association of Prosecuting Attorneys Summer Training Program	Campbell's Lodge, Lake Chelan	June 23-25	(360) 753-2175
National Sheriffs' Association	Seattle	June 26 - 30	www.sheriffs.org
County Clerk's Association 2004 Summer Conference	North Bonneville Hot Springs Resort, Skamania	June 22 - 25	(360) 753-7319

Calendar of Events (continued)

County Treasurer's Association 2004 Summer Conference	Heathman Lodge, Vancouver	June 22 - 25	(360) 753-7319
WA State Association of Counties 98 th Annual Summer Convention	Pierce County, Sheraton, Tacoma	June 22 - 25	(360) 753-1886
IACREOT 33 rd Annual Conference	San Antonio, TX	July 15-24	
NACo Annual Conference	Maricopa County, Phoenix, AZ	July 16 - 20	www.naco.org
Association of County Human Services Meetings	Kittitas County	July 21 - 23	(360) 753-1886
WA Counties Risk Pool Annual Board Meeting	Shilo Inn, Ocean Shores	July 22	(360) 586-7447
WA Counties Risk Pool Summer Conference	Shilo Inn, Ocean Shores	July 20 - 22	(360) 586-7447
WA Counties Insurance Pool Rate Setting Meeting	Wyndham Gardens, SeaTac	August 19	(360) 586-0466
Association of County Human Services Meetings	Grays Harbor County	September 15 - 17	(360) 753-1886
WA Counties Insurance Pool Board Meeting	Radisson Hotel, SeaTac	September 16	(360) 586-0466
WA Counties Insurance Fund	Radisson Hotel, SeaTac	September 16	(360) 586-0466
Insurance Advisory Committee	Radisson Hotel, SeaTac	September 16	(360) 586-0466
Washington State Association of County Assessors (WSACA) Fall Conference	Everett, Snohomish County	September 13 - 16	
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 14 - 17	www.geocities.com/wsacrpdpd
WACO/WSAC Joint Fall Conference	Spokane	October 4 - 8	(360) 753-7319
ACE Committee (Payroll & HR)	Yakima Convention Center	October 13	(360) 586-0466
WA Association of Sheriffs and Police Chiefs Fall Conference	Shilo Inn, Ocean Shores	November 15 - 18	(360) 486-2380
Association of County Human Services Meetings	Spokane County	November 17 - 19	(360) 753-1886
WA Counties Insurance Fund 2005 Budget Meeting	Red Lion at Columbia Center, Kennewick	November 18	(360) 586-0466
WA Association of Prosecuting Attorneys Winter Meeting & Banquet	Crowne Plaza Hotel, Seattle	December 9-10	(360) 753-2175
2005			
NACo Legislative Conference	Marriot Wardman Park Hotel, Washington, DC	March 3 - 4	www.naco.org
WA Association of Prosecuting Attorneys Support Staff Training Program	WestCoast Ridpath Hotel, Spokane	May 11-13	(360) 753-2175
WA State Association of Police Chiefs Spring Conference	WestCoast Wenatchee Center Hotel, Wenatchee	May 23 - 26	(360) 486-2380
WSAC 99 th Annual Summer Convention	WestCoast Hotel at Columbia Center, Kennewick	June 13 - 16	(360) 753-1886

Calendar of Events (continued)

WA Association of Prosecuting Attorneys Summer Conference & Training Program	Campbell's Lodge, Lake Chelan	June 22 - 24	(360) 753-2175
IACREOT 34th Annual Conference	New York, NY	June 28 - July 8	
NACo Annual Conference (City & County of Hawaii)	Honolulu, HI	July 15 - 19	www.naco.org
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 13 - 16	www.geocities.com/wsacrpdpd
WACO/WSAC Joint Fall Conference	Ocean Shores	October 3 - 7	(360) 753-7319
2006			
WA State Association of Counties 100 th Annual Summer Convention	Whatcom County, Bellingham	June / TBD	(360) 753-1886
IACREOT 35th Annual Conference	San Francisco, CA	July 2-7	
NACo Annual Conference	Denver, CO	July 21 - 26	www.naco.org
2007			
NACo Annual Conference (Sponsored by the counties in the Metropolitan Richmond Area)	Richmond, VA	TBD	www.naco.org
IACREOT 36th Annual Conference	Charlotte, NC	July 14-22	