Tri-Assocation Presidents Present Package to Governor

The presidents of the three associations, Harold Moss for WSAC, Greg Zempel for WACO and Chuck Mosher for AWC, along with the three association executives presented the Tri-Association Joint Legislative Package to Governor Gary Locke this week. They shared with the Governor that local governments are also experiencing budget deficits and that the Tri-Association package offers tools that would allow counties and cities an opportunity to ask their voters for local revenues to pay for the needed services in their communities. The officers complimented the Governor on his use of the Priorities of Government budget process and pointed out that several local jurisdictions had been making painful priority budget decisions for a number of years.

Gov. Locke was very sympathetic to the package, said he had read it, and that he supported much of what he saw. He also said that with such limited revenues, government was going to see some big changes. Obviously he was referring to the dramatic cuts he made in his budget proposal.

In other developments on the Tri-Association front, several key legislators met with the associations’ staff to begin the process of building support for funding public health from a statewide voted property tax levy. They recognized the importance of maintaining a strong public health system that can meet the increasing demands of bioterrorism, West Nile virus and small pox vaccinations. As one legislator said if we don’t have health prevention we will only see increasing healthcare problems. Support is building for this proposal.

As we begin the fifth week of the Legislature many of the Tri-Association bills are scheduled for hearing. Next week marks the WSAC Legislative Rally and many members of the Association along with members from WACO will be in Olympia. Materials are being prepared to help each of you discuss our priority legislation with your legislators while you are here. They will be available at the Washington Counties Building all week or you can pick them up on Thursday at the Legislative Rally Luncheon at the Ramada Inn, in Olympia. This is an important time for counties and we hope that all members will be here to tell the county story to their legislators.

Many of you have made arrangements to invite your legislators for a meal during the week. WSAC is helping defray the costs of those meals so we hope you have called and invited your legislators on Wednesday or Thursday next week. If you need additional information please call the WSAC office and talk to Ginni Peppert.
I t is with great sadness that we report that WACO Executive Director Debbie Wilke's husband, Wendall (Wendy) passed away February 5, at St. Peter's Hospital, in Olympia. Funeral services will be held on Saturday, February 8, in Davenport, at the Strate Funeral Home, at 2:00 p.m. Our deepest sympathies, thoughts and prayers go out to Debbie, our dear friend and colleague, as well as to Debbie and Wendy's daughters, Stacey and Andrea, and their four grandchildren.

In lieu of flowers, Debbie has asked that memorials in Wendy's name be made to the Washington Counties Scholarship Fund, c/o WACO, or, to a charity of your choice. Please send all messages of sympathy to the WACO office and we will make sure that Debbie receives them.

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**County Treasurers**
*HB 1564*, the county treasurers' cleanup bill, will be heard by the House Local Government Committee on Thursday, February 13, at 1:30 p.m.

**Energy Taxation of Cities and PUDs (HB 1004, HB 1316, HB 1365)**
This year's proposed changes to state and city utility tax systems don't make much sense without a short overview of the increasingly wild and woolly world of electrical power. Washington's utility taxation and regulation is complex. In most cases public and private utilities are treated differently. Private companies are regulated, but municipal utilities and PUDs are not.

You would think taxation is a simple matter. It is not. Cities' tax powers extend beyond their borders when they tax their own utilities. Federal deregulation rules force utilities to deliver power from out of state to instate customers. This power is tax-free.

Last year, there was a great deal of press attention to city utility tax windfalls resulting from spikes in electricity prices. Many non-municipal utilities think cities should have temporarily lowered taxes or rebated some of the windfall to rate payers. This is not reported to have occurred anywhere.

To top it all off, public power utilities are bracing for rate increases of up to 40% from Bonneville.

This year both public and private power companies are feeling squeezed. They are looking to change the playing field.

On February 11, the House Technology, Telecommunications & Energy Committee will hear three energy-related tax bills: utility taxation (HB 1316), electricity tax (HB 1365) and changing gas and electricity tax provisions (HB 1004).

HB 1316 and HB 1365 both address several concepts relating to electricity taxation. First, these bills expand the public utility district privilege tax (under RCW 54.28) to apply to publicly owned utility which includes city-owned generation and distribution systems. In other words, the 17 cities that provide electricity service would be subject to a gross receipts tax of 2.28% on their distribution systems, and the generation facilities of Centralia, Tacoma and Seattle would be subject to a tax on the amount of electricity produced and sold.

For the public utility districts, the generation tax is increased by more than four times what they currently pay, and for the 17 cities this is a new tax. Also imposed is a new utility tax on the public utility districts' wholesale telecommunications systems.

The Department of Revenue estimates the total tax obligation for the 17 cities to be around $29 million. Panels of city and PUD representatives will testify against these bills.

HB 1004, the third bill, would replace the state public utility tax with a transmission tax based on the number of kilowatt hours of electricity and the number of thousand cubic feet of gas generated, produced transported or distributed. This is also known as the volumetric tax. Current taxes are imposed as a percent of the bill. This would not permit the tax to grow as prices rise. The bill would also tax out of state power that is currently tax-free. Finally, since the tax is changed from a utility/B&O type of tax to a sales and use tax it could ultimately pave the way for counties to tax utilities in unincorporated areas.

**Report Card on State Tax System – Well Managed, Unfair and Inadequate**
This week Governing Magazine and the Pew Foundation released another one of their report cards on state and local government. This report card focused on state tax systems. Grades were awarded using four (Continued on page 3)
Budget, Finance and Taxes

(Continued from page 2)

stars as the highest ranking and one star as the lowest. Washington was one of only six states receiving four stars for its administration of the tax system. Graders particularly commented on the wide range of services and technical assistance available online. The story quoted business sources saying that some practices should be models for states across the nation.

Washington scored only two stars for tax fairness. The report mentioned the regressive nature of the system and the numerous exemptions. On the adequacy of the system, Washington scored bottom of the barrel – one star.

Governing’s profile of each state included information on how each state ranks against its peers. Washington’s figures reflect its relatively high standard of living and the practice of providing most school funding from the state rather than local level. As a result although it ranks 16th in state taxes per capita, it ranks only 26th for state revenue as a percent of personal income. If state and local taxes per capita are combined, Washington ranks 32nd. The full text of the report is available online. The story quoted business sources as saying that some practices should be models for states across the nation.

Assessor’s Bills of Interest Set for Hearings Next Week
The House Finance Committee hearings next week include a February 11, 1:30 p.m. public hearing on HB 1510, modifying the prorationing of fire protection district property tax levies. This bill would allow twenty-five cents per thousand of the fire protection district levies authorized under 52.16.140 and 52.16.160 to be outside of the five dollar and ninety-cent limit established under 84.52.043 (2), if those taxes otherwise would be prorated under 84.52.010 (2) (c). This hearing will also include HB 1518 the Tri-Association bill modifying property tax property tax revenue limit provisions regarding lid-lift measures, and a possible executive session on HB 1069 allowing county treasurers additional waivers on interest and penalties for delinquent property taxes. HB 1069 is again on the Finance Committee schedule for possible executive session at their February 13 hearing. Also on February 11, at 1:30 p.m., the House State Government Committee will hear HB 1218, which would create a building mapping information system for first responders. WACO has been working with the sponsors of this bill to specify that Cadd software used for this program will be specific to this first responder system and will not impact assessors offices. On February 11, at 8:00 a.m., in the Senate Agriculture Committee, will hear SB 5640, authorizing a county to exempt certain property used in agriculture from taxation. This would allow for a county-by-county exemption authorized by the county legislative authority. While WSAC’s Legislative Steering Committee has not taken an official position on this bill they have expressed concerns.

On February 12, at 8:00 a.m., the House Education Committee will hold a public hearing on HB 1212 and the Constitutional Amendment HJR 4203, providing for a simple majority of voters voting to authorize school district bonds measures and HJR 4204, amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. The Committee also hopes to hold an executive session on these measures in their scheduled meeting on February 13. The House Judiciary Committee will hear HB 1480, allowing the State Department of Transportation to share condemnation appraisal information on February 13, at 8:00 a.m.

February 13, at 1:30 p.m., the House Local Government Committee will hear public testimony on HB 1564 which is the County Treasurers’ bill clarifying county treasurers’ fiscal provisions. Also on the 13th at 1:30 p.m., the Senate Land Use and Planning Committee will hear public testimony on PSSB 5108 (proposed substitute senate bill) removing statutory authority for access to private property. WACO has not seen the substitute language, but hopes it will exclude county assessors and treasurers since many of you have expressed concerns with your legislators. In addition they will hear SB 5380, clarifying the definition of ordinary high water mark, and SB 5152 requiring the Columbia River Gorge Commission to compensate property owners for certain zoning changes.

The Senate Government Operations & Elections Committee has scheduled a public hearing on SB 5414, informing voters of the fiscal and policy impacts of state ballot measures on February 14, at 1:30 p.m. This hearing will be broadcast on TVW.

Labor and Pension Policy

Senate Ways & Means Hears Impacts of I-790
The Senate Ways & Means Committee held a work session this week on the impacts of the passage of I-790 on both the state and local governments. Staff from WSAC and AWC along with representatives from the police officers’ and fire fighters’ associations addressed the committee. Cities and counties testified that the impacts of the initiative would cost local governments $297 million in the 03-05 biennium, $57 million for counties and $175 million for cities. Fire Districts would pay the remaining amount.

The voters passed the initiative in November 2002, by a 53% margin, creating a separate retirement board for the Law Enforcement Officers’ and Fire Fighters Retirement System, Plan 2. The Board has 11 members, 6 employees, 3 local government employers and 2 legislators. The Board is responsible for adopting rates, providing increased benefits, acquiring staff and reporting to the governor and legislature. Any rates set by the board may only be rejected by the legislature. They may not change the rates or change the level of benefits and the governor is bypassed in the process.

There is a provision in the initiative that requires investment earnings in excess of the actuarially assumed rate of return be set aside to fund additional benefits. This rule reduces the investment earnings that can be used to fund the required minimum benefits set out in the initiative in another provision. The state actuary has stated that this provision will require increased contribution rates in the LEOFF Plan 2, requiring local governments to pay 15.6% of their LEOFF 2 payroll and the state to pay 10.4%. The employees would see their contribution rate rise to 26% of their pay.

(Continued on page 4)
The outcome of all of this is that the state would have to provide nearly $200 million in state funds that has not been built into any budget proposals. To say the least, there is great concern by legislators, local governments and the employees. Efforts are underway to remedy another glitch in a citizen initiative. There are hard feelings by many legislators since the initiative took away their right to set rates and there is reluctance to fix the issue. Counties and cities have been meeting with representatives of the police and firefighters, but little progress has been made toward addressing our concerns. No specific bill has yet been introduced.

HB 1514, suspending the accrual of interest for financial obligations during total confinement is scheduled for a hearing in House Criminal Justice and Corrections Committee, Wednesday, February 12 at 1:30 p.m. in House Hearing Room E. The bill states that “with respect to financial obligation imposed for offenses committed on or after July 1, 2003, interest shall not accrue during any period of time the offender is in total confinement in a correctional or state correctional institution as defined in RCW 9.94.049, an out-of-state correctional institution, or a federal correctional institution.”

Skamania County Clerk Rena Hollis brought up several logistical questions as to how “total confinement” could possibly be tracked. Please contact Brenda Bamford at WACO with your feedback.

County Sheriffs
SB 5411, authorizing nonpartisan sheriffs, was heard by the Senate Government Operations and Elections Committee on Tuesday. There to testify in favor of the bill was Thurston County Sheriff Gary Edwards and Jefferson County Sheriff Mike Brasfield. Pacific County Sheriff John Didion was also present.

Law & Justice Bills of Interest
In addition to the 10 tort reform bills reported on last week, more are still being introduced in both the House and Senate. SB 5728, introduced by Senator Dale Brandland, combines nearly all the elements of bills previously introduced in the Senate. This so-called omnibus bill addresses caps on damages, medical malpractice, joint and several liability, tort judgment interest rate, employment reference checks, seat belt evidence and government liability.

Although several of the stand-alone tort-reform bills are scheduled for hearing next Wednesday and Friday in the Senate Judiciary Committee, the committee chairman may decide to hear only Senator Brandland’s omnibus bill. That hearing will likely occur the week of February 19. You will receive an email notice of the date and times of hearings if the separate bills remain on next week’s hearing schedule.

HB 1274, the house version of the tort judgment interest rate proposal, is being heard today in House Judiciary. Also introduced in the House -- but as yet without a bill number -- is a measure that would limit local government liability for supervision of criminal suspects who are released from jail pending trial.

Other bills of interest that are up for hearing next week:

SB 5281 would allow counties and cities to recover the full cost of jail booking fees from suspects at the time they are booked into jail. Currently the law allows jurisdictions to recover only $10 of the booking fee from the suspect. 1:30 p.m., February 14, Senate Government Operations.

SB 5166 would allow on-duty police vehicles to use HOV lanes. This has been a concern in some jurisdictions where a single officer has been significantly delayed in rush-hour traffic while traveling to a court hearing or to pick up a prisoner. 3:30 p.m., February 13, Senate Highways & Transportation.

SB 5624 and an accompanying constitutional amendment would make the county legislative authority responsible for setting the salary of District Court judges in counties with a population less than 25,000. 8 a.m., February 13, Senate Judiciary.

HB 1617 and SB 5500 would allow cities to contract with each other for municipal court services. WSAC’s Legislative Committee has asked staff to monitor this proposal. Hearings are 1:30 p.m., February 11, House Judiciary and 8 a.m., February 13, Senate Judiciary.
Senate Republican’s Propose 12-point Transportation Efficiency Package
All of the proposals in this package are rolled into SB 5702. The 12-point package includes: Streamlined governance. Currently, too many people control the Washington State Department of Transportation (DOT) construction program. This bill requires the Legislature to make the project decisions. Stronger accountability. To ensure that gas tax dollars are spent efficiently, the Legislative Transportation Committee oversees mandatory performance audits of DOT. Contracting out for highway maintenance. Most construction is already contracted out to the private sector. This bill allows for maintenance and other services to be contracted out as well. Prevailing wage modification. Payment of prevailing wage is mandatory only when benefits of paying such wages exceed the costs. Repeal paths and trails and public art expenditure requirements. Ensure that every dollar is spent on needed transportation improvements. Currently, one half of one percent of new construction money is required to be spent on art and three-tenths of one percent is required to be spent on paths and trails. Repeal rail statutes. This bill gets DOT out of the business of railroads, which should be run by private businesses. Privatize rest areas. Allow for private firms to operate rest stops. Cost-benefit analysis. Make transportation investments that move the most people and goods for the least amount of money. Divert sales tax on highway construction to highway projects. Save transportation dollars by not “taxising ourselves” on our own projects. HOV lanes only in areas where they’re needed. HOV lanes should exist only on highways with at least four general-purpose lanes in each direction. Privatize passenger-only ferries and explore lease options. The state ferry program should be provided as cost effectively as possible. Everyone pays the same gas tax. Residents of San Juan and Island counties should contribute to the building of roads and ferries. Currently, gas tax paid by San Juan and Island county residents is placed into a special fund, which they get back. Gas tax paid in other counties throughout the state goes into the general transportation fund.

Discussions Moving Forward on a New Transportation Revenue Package
The Governor’s office and the four caucuses have been meeting to see if an agreement can be reached on a new revenue package and list of projects to be financed by that package. We have been informed that it is unlikely local governments would see an increase our share of the motor vehicle fuel tax. Instead of an increase, we are trying to see if we can get additional funding in several key programs important to local governments.

The House Passes Three Transportation Reform Bills this Week
HB 1120, Transportation Citizen Oversight Panel, passed out of committee on January 29. The bill would create a citizen oversight panel to oversee the establishment and attainment of transportation performance measures (including transit benchmarks). The panel is comprised of seven citizen members appointed by the Governor who will serve four-year terms, and will oversee and review the establishment and attainment of transportation performance measures directed under current law. The panel will also work with WSDOT in establishing, reviewing and revising state transportation performance measures and benchmarks.

HB 1121, transportation agency audits, passed out of committee on January 29. This bill creates a two-step performance review and audit process. The Joint Legislative Audit and Review Committee must work with the Legislative Transportation Committee to develop an audit scope of any transportation-related agencies. The Department of Transportation will be the first agency subject to this performance review and audit process.

HB 1122, transportation governance, passed out of committee on January 29 and phases out the Transportation Commission, effective July 1, 2004. The Secretary of DOT will be appointed by the Governor. It moves ministerial functions to DOT and requires the Legislative Transportation Committee to make recommendations and develop a transition plan for transferring remaining commission powers.

HEARINGS NEXT WEEK
Senate Highways and Transportation
2/11/03 3:30 pm
SB 5497, modifying relocation assistance provisions; SB 5499, transferring accident data processing to the department of transportation; SB 5367, apportioning railroad crossing installation and maintenance costs; and SB 5277, regarding certification of entities regulated by the utilities and transportation commission.

2/12/03 3:30 pm
SB 5032, exempting commercial delivery drivers from seat belt requirements; SB 5067, allowing garbage trucks to bypass weigh stations; SB 5278, clarifying authority over hazardous materials inspections; SB 5428, allowing alternative means of renewing driver’s licenses; SB 5431, updating laws on drugs and alcohol use by commercial drivers.

2/13/03 3:30 pm TVW
Work Session: HOV Lanes: WSDOT. Public Hearing: SB 5605, allowing single-occupant vehicles to pay to use HOV lanes; SB 5166, allowing police cars to use HOV lanes; SB 5121, opening high-occupancy vehicle lanes during nonpeak hours; SB 5392, increasing fees for pilots and aircraft.

House Transportation
2/10/03 3:30 pm TVW
HB 1413, allowing disabled veterans free noncommercial truck licenses; HB 1452, prescribing license fees for small trailers; HB 1467, providing incentives for the purchase of hybrid and fuel cell vehicles.

2/11/03 3:30 pm
HB 1477, strengthening laws against fuel tax evasion; HB 1478, adjusting fuel tax payment dates.

2/12/03 3:30 pm TVW
HB 1592, regulating special license plates; HB 1293, directing a request for proposal on flat license plates; HB 1381, requiring flat license plates; HB 1224, rationalizing license plate replacement periods.

2/13/03 3:30 pm
Work Session: Transportation Permit Efficiency and Accountability Committee.
Counties’ Annexation Request Bill Introduced in the Senate
Senator Mulliken has introduced SB 5689 that would require cities and counties to develop interlocal agreements on annexations. The interlocal agreements would be the opportunity to help resolve how transfer assets and liabilities to a city when an annexation occurs. Please call your Senators and ask them to support the bill. We are also working to get the same bill introduced in the House. Please call your Representatives and ask them to support the same bill.

Hearings Next Week

Senate Land Use and Planning
2/10/03 8:00 am HB 1494, allowing state and local governments to sell and lease property to foreign entities; HB 1524, restricting utility assessments and charges for certain mobile home parks; HB 1666, requiring a vote on any local ordinance providing for fluoridation; HB 1692, changing provisions relating to protection of local government whistleblowers.

2/13/03 1:30 pm HB 1564, clarifying county treasurer fiscal provisions; HB 1566, modifying record retention provisions for county auditors; HB 1593, requiring the delivery of endorsements by recording officers; HB 1596, increasing the surcharge for the preservation of historical documents.

Stormwater Bills Introduced
Representative Kelli Linville (D-Whatcom County) and Senator Dan Swecker (R-Thurston County) this week introduced bills at the request of counties and cities to better structure local stormwater management programs in Washington. Within the next month, as required by the Federal Clean Water Act, most counties and cities with urban areas in the state will be required to apply for a municipal stormwater permit from the Department of Ecology.

Congress enacted the Clean Water Act in 1972 to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters”. The Clean Water Act prohibits the discharge of pollutants from a point source into the waters of the United States, except as permitted under the terms of the National Pollutant Discharge Elimination System (NPDES). NPDES permits are issued by the EPA, or by states to which the EPA has granted permitting authority. In Washington, they are issued by the state Department of Ecology.

Under Sec. 402(p) of the Clean Water Act, an amendment enacted in 1987, storm sewers and stormwater ditches are point sources subject to NPDES permitting requirements. Section 402 sets out a timetable for the development of storm sewer regulations, which is to be done in two phases. Large discharge sources, including large and medium-sized population centers, are regulated under Phase I of the process. EPA issued the Phase I Rule in 1990. In Washington, Clark, King, Pierce and Snohomish Counties, and the cities of Seattle and Tacoma fell under its provisions, and over the last 13 years, these municipalities have developed and implemented stormwater management programs. This federal mandate is paid for by citizens of these local communities through stormwater rates and fees.

The § 402 timetable calls for Phase II of the regulatory scheme, covering small discharge sources, to be in place by March of 2003. Over 100 counties and cities across the state will be regulated—and required to apply for NPDES permits—under Phase II. At this time, no permitting requirements or application procedures for Phase II communities have been established by either the Washington Legislature or the Department of Ecology.

The Phase II program requirements, like those of Phase I, will be funded by the regulated communities. No federal money is provided. The unanswered questions about how Washington’s Phase II program will be structured would be troubling for local governments at any time, but they are especially problematic now, because they come at a time when many Washington counties and cities are already facing a serious revenue shortage. In particular, localities need to know whether the requirements for Washington’s counties and cities will exceed federal requirements, and how Phase I and Phase II will work together.

Key Features of the Bills (HB 1689 and SB 5645):

- The Department of Ecology will establish, by rule, permit requirements and application procedures. Permit requirements will not go beyond those mandated by the federal Clean Water Act.
- The Department shall develop separate permits for eastern and western Washington.
- Permitted municipalities are required to employ “best management practices” in controlling storm water, and when doing so are presumed in compliance with water quality standards.
- Municipalities with permits must maintain complete and current program documents, which the department may inspect, but the department may not require program documents as part of the initial application. The department may also re-
quire municipalities to submit periodic reports on system performance.

- The department may issue permits to individual municipalities, or jointly to multiple municipalities in a single watershed. Two municipalities will not be issued a joint permit except at their own request, and a municipality operating under a joint permit will be liable only for violations taking place within its own boundaries.
- Municipalities with stormwater permits will not be required to obtain state waste discharge permits for their stormwater systems.
- The fees charged for permits will be based on municipalities’ ability to pay. (House version) No fees shall be charged for municipal stormwater permits. (Senate version)

**Cost-Benefit Analysis for the Water Quality Standards Rule**

Several people have expressed the desire to have the cost-benefit analysis be part of the rule package that is currently out for review. The Department of Ecology has indicated it is relying on the feedback that it gets through the public comment period to help with completing the cost-benefit findings. Many of the cost assumptions are in the Small Business Economic Impact Statement (SBEIS) and draft Administrative Procedures Act (APA) material that are currently out for review.

Because there are concerns with wanting to review the cost benefit analysis prior to final adoption of the rule, Ecology plans to make the cost benefit analysis available in draft form in late March. This will be available on the water quality standards website.

The comment deadline for the rule and draft environmental impact statement is March 7, 2003. The findings on costs and benefits will be available during a three-week public comment period starting at the end of March. If your review of that document creates a need to change your comments on the proposed rule, Ecology asks that revised comments be sent.
End of the First Month for Bills in the Human Services Related Committees
The first four weeks are over for the committees that cover human services related bills. A large number of work sessions have been held and by the last two weeks, bills really started to fly. There still are considerably less bills in this area than in years past due to the budget problems. It’s hard to propose a lot of changes and new programs in human services without any new resources. To our advantage it also makes it hard to justify moving the deck chairs in areas like the Regional Support Networks since no immediate savings would be achieved by either reducing them or getting rid of them. The overall cuts to mental health the last few years have severely stretched our ability to provide a full range of services either children or adults regardless of administrative structure.

The flow of new bills is gradually slacking off even though the cut-off for bills to get out of policy committees isn’t until March 5 and 6. The Senate is going a day later. Committees who are used to having anywhere from 6 to 10 bills on their agenda are exclaiming about the full agenda when they have 4. They’re still rushing the folks who testify even if they have lots of time.

This past week, hearings were held on a number of notable bills. These included HB 1272, relating to a five-year pilot of different local administrative structures for social services (the Clark County bill); SB 5216, relating to completing the majority of competency hearings in local jails with just one evaluator instead of two; SB 5419, prohibiting mandatory overtime by registered nurses and LPN at the state mental hospitals, jails, and juvenile facilities; HB 1464, requiring DSHS to work with community and faith-based organizations; HB 1423/SB5442, increasing penalties for manufacturing methamphetamine and including it among the crimes eligible for “two strikes” penalties which include life imprisonment; HB 1147, creating a youthful offender sentencing alternative; SB 5473, requiring a class to be taught at the Criminal Justice Training Commission for law enforcement interactions with those with mental illness and/or developmental disabilities; and SB 5389, managing clean and sober housing.

In addition a number of bills dealing with the siting of sexually violent predators were heard. The WSAC Legislative Steering Committee moved to only support HB 1099, SB 5550, which adds public and private youth camps and campgrounds to the list of risk-potential activities which must be considered when siting a secure community transition facility (SCTF). They are not interested in taking a position on repealing the pre-emption of local government. They asked staff to monitor the balance of the many bills that have been introduced in this area. One proposed draft from Sen. Roach regarding adding SCTFs to the state’s eminent domain law which would allow the state to just take county or city land, vanished before its scheduled hearing without staff ever seeing the actual draft. Given the court’s pressure to site a facility on the mainland, it is highly improbable the governor would be willing to sign anything other than perhaps the camp/campground bill. Even DSHS supported that bill.

In an area that is indirectly important to county human services, at least four hearings were held on medicaid cost containment. The recently completed Levin study on cost containment along with actions already taken by the Medical Assistance Administration was covered in detail. Their recommendations include such options as reducing managed care rates, reducing payments to hospitals, increasing the frequency of eligibility determinations, raising the level of care criteria in COPES, capping COPES enrollment, eliminating medicaid personal care and moving eligible persons to COPES, or raising the medicaid personal care functional requirement to the COPES standard. The Governor’s budget proposed several other initiatives such as joint prescription drug project with the Health Care Authority and Labor and Industries; benefit reductions (adult dental, vision, and hearing); elimination of coverage for higher income workers with disabilities; and medicaid integration. Legislators and their staff continue to grapple with the least harmful and most effective ways to reduce medical costs. Human Services advocates and providers are watching these efforts closely due to the direct impact on health care for our clients and the cost of providing such services as mental health.

Hearings Related to Human Services the Week of February 10 – 14
The House Children and Family Services Committee will be holding hearings on the governor’s budget implications for human services (2/12/03, 8:00, HHR D) and work sessions on adolescents in need of long-term placement and blended funding (2/13/03, 1:30, HHR D). House Financial Institutions & Insurance will hold a work session on mental health parity (2/14/03, 8:00, HHR C). House Health Care will hold a hearing on prohibiting tobacco sampling and changes to the board home program 92/12/03, 6:00, HHR B). The Clark County pilot proposal, SB 5630 will be heard in Senate Children & Family Services & Corrections on February 11, 8:00, SHR 4. Senate Health & Long-Term Care will hear the tobacco sampling bill, SB 5597, on February 11, 1:30, SHR 4 and a variety of boarding home bills on February 13, 10:00, SHR 4. And finally, Senate Ways and Means will have a work session on contracting out under collective bargaining which would shape some of the future roles for county employees as well on February 11, 3:30 SHR 4 and have a public hearing on the governor’s budget on February 13, 3:30, SHR4.
Elections, Recording and Licensing

Licensing
County Auditor priority bill, HB 1377, staggered vessel licensing, is still in the House Transportation Committee. The county sheriffs and the Department of Licensing have voiced concerns about the bill.

The hearing on HB 1036, modifying subagent authority to process mail-in vehicle registration renewals is still in House Transportation Committee. Companion bill SB 5246 was passed out of Senate Highways & Transportation Committee and is in Senate Rules Committee.

HB 1452 would allow trailers of less than 1,500 pounds gross weight and used for noncommercial, personal use on the public highways, to be licensed upon the payment of a license fee based on a weight schedule is scheduled for a hearing in House Transportation Committee on Monday, February 10 at 3:30 p.m. in House Hearing Room B. The hearing will be broadcast on TVW.

HB 1224 authorizes the Department of Licensing to require the new owner of a vehicle, upon transfer, to replace the license plates at the same time they register the vehicle if the existing license plates have exceeded their functional lifetime. This bill was introduced by Representative Nixon, and is scheduled for a hearing in House Transportation Committee on Wednesday, February 12 at 3:30 p.m. SB 5330 has been introduced as a companion bill.

HB 1293 directs the Department of Licensing (DOL) to solicit a proposal for implementing a flat, digitally printed license plate system. DOL must report back to the legislature by December 2003. This bill has been scheduled for a hearing on Wednesday, February 12 at 3:30 p.m. in House Hearing Room B. This hearing will be broadcast on TVW.

SB 5455 creates a pilot program to study the viability and efficiency of allowing vehicle licensing subagents to issue renewals for drivers’ licenses. The pilot program would not exceed a two-year period, and would consist of at least six subagents but no more than eight. The program would be administered by the Department of Licensing and T.R.A.C. (Title and Registration Advisory Committee). The bill has not been scheduled for a hearing and is in Senate Highways & Transportation Committee.

Recording

SB 5478 (County Auditor Priority) increasing the surcharge for the preservation of historical documents from $2 to $5, has been referred to Senate Government Operations & Elections Committee. The companion bill is HB 1596 and has been scheduled for a hearing in House Local Government Committee on Thursday, February 13 at 1:30 p.m. in House Hearing Room E.

The Washington State Association of Counties (WSAC) Legislative Steering Committee voted to support these bills last Friday, January 31.

SB 5477 (County Auditor Priority) requiring the delivery of endorsements by recording officers, amends a section of law to clarify that the process for how documents are returned after recording is in the discretion of the Auditor so the process can be established according to a county’s situation. This bill has been referred to Senate Government Operations & Elections Committee. The companion bill is HB 1593 and has been scheduled for a hearing in House Local Government Committee on Thursday, February 13 at 1:30 p.m. in House Hearing Room E.

HB 1081 which creates a surcharge of two dollars to be charged by the county auditor at the time of recording of each residential first mortgage deed of trust is still in House Financial Institutions and was not passed out of committee this week. It has been scheduled for executive session either on Tuesday, February 11 at 10:00 a.m., Wednesday, February 12 at 1:30 p.m. or Friday, February 14 at 8:00 a.m.

Companion bill, SB 5118 was heard in Senate Financial Services, Insurance & Housing Committee on Thursday, February 6 at 8:30 a.m. A substitute bill was offered in place of the original bill. The basic difference is the surcharge would be decreased from $2.00 to $1.00. The bill still calls for the fee to be imposed on first residential deeds of trust, however alternative language has been offered that would apply the surcharge to all residential deeds of trust. County auditors testifying in opposition to the bill included Snohomish County Auditor Bob Terwilliger and Cowlitz County Auditor Kristina Swanson. Kim Wyman also attended the hearing and signed in as “opposed” to the bill.

Elections
The Senate Government Operations and Elections Committee was busy this week with several elections-related bills. On Tuesday, Kitsap County Auditor Karen Flynn was on hand to testify in support of SB 5218 (Secretary of State request bill), requiring timely mailing of ballots. She did offer an amendment to change the “next day” turnaround on absentee requests after the 19th day before the election to say “in a timely fashion” instead. Karen also gave testimony in support of SB 5219 (SOS bill) enhancing voting systems certification; SB 5222 (SOS bill), harmonizing election crimes and penalties; and SB 5397 determining the order of candidates on ballots. Committee members made it clear that they prefer rotation, so the fate of this bill is already known on the Senate side.

On Wednesday, the committee heard SB 5398, simplifying procedures for selection of precinct committee officers, supported by the County Auditors. Karen Flynn and Bob Terwilliger, Snohomish County Auditor, were present to testify on several of the bills. Kittitas County Auditor David Bowen was also in attendance. The auditors were in opposition to SB 5399, revising absentee and mail ballot procedures. This bill would require that absentee ballots be received in the auditor’s office by the date of the election. It was pointed out that the new trend among absentee voters is to hold their ballots longer in order to get the most information about candidates and issues the last weekend before the election. Over 40% of absentee voters are now waiting to mail their ballots until the day before or the date of the election.

With Karen Flynn opposing SB 5443, moving the location of an absentee voter’s signature from the outer mailing envelope to the inner security envelope, Senator Roach who is prime sponsor of the measure and Chair of the committee, very jovially dismissed the idea as unsalvageable and it won’t be seen again this session.

The Senate Government Operations and Elections Committee gave a do pass recommendation to the Secretary of State’s request bill, SB 5374, the Help America Vote Act, and then observed a demonstration of Snohomish County’s touch screen voting machine by Bob Terwilliger.

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On Thursday, the House State Government Committee, staff and others gathered as Auditors’ Association President Vern Spatz, Grays Harbor County, hosted an excellent demonstration of a variety of voting systems that are used in this state. Those counties participating were Thurston County with Elections Director Steve Homan showing their punchcard voting system; an older optical scan system explained by Pierce County Auditor Pat McCarthy; a newer optical scan system used by King County, demonstrated by Garth Fell; and the newest touch screen system shown by Bob Terwilliger, Snohomish County Auditor.

Earlier this week, the House Local Government Committee heard **HB 1390**, authorizing instant runoff voting (IRV). A citizen led initiative in The City of Vancouver went to voters who gave the City Council authority to use this method in nonpartisan municipal elections. This bill would be the enabling legislation. Auditors present were Bob Terwilliger, Kim Wyman, and David Bowen. Kim and Bob testified that the Auditors’ Association has taken a neutral position on IRV, but has some real concerns about such a system. Comments included the need to have a policy discussion about IRV because it is a fundamental shift in the elections process and the impacts are not yet known. The Auditors will also be implementing the Help America Vote Act with many new changes and to add even another variable will confuse the voters and could delay counting votes for days or weeks. Bob also pointed out that the best way to introduce these changes is of creating a very thorough pilot project, and explained that there is no reference to the auditors in IRV. At present, there are options in statute for vote by mail and local voters pamphlets, but they have to be agreed upon by all jurisdictions – IRV should have the same type of language. To add to voter confusion, many times there are partisan and nonpartisan races on the ballot at the same time and at least 70% of Washington voters vote by absentee. The technology has just not been developed. Dave Elliott with the Secretary of State’s office, also testified, and brought up further complexities concerning IRV.

**SJR 8210**, amending the State Constitution to include a provision requiring all primary elections, except for the presidential primary, to be blanket primaries, has passed to the Senate Rules Committee.
We would like to welcome Nicole Simpsonson, our newest staff member at Washington State Association of Counties. Nicole will be coordinating the Washington Counties Retro Pool as well as assisting Tom Robinson with Title III applications for the Secure Rural School and Community Self-Determination Act. Prior to joining WSAC, Nicole worked as a management consultant providing services to state and local governments. She received an MBA from the Anderson School at UCLA, and a Bachelor of Arts degree from Claremont McKenna College.

An update on former Chelan County Sheriff Mike Brickert who was paralyzed in a bicycling accident on an overseas military base: Apparently Mike was sent from Singapore to Japan and should hopefully be in Seattle by this weekend. He will be going to the University of Washington where they have an excellent spinal clinic. Mike spoke personally with the dispatchers and remains very upbeat and positive. Should you wish to send cards to cheer him on in his recovery, send them care of the Chelan County Sheriff’s Office and they will forward them on.

The Lincoln County Health Department has miscellaneous dental equipment available for purchase. Equipment includes: Mobile Port-Op III Dental Station, Slow Speed Titan Handpieces with FG kit, Portable Philips Orafix-65 X-ray, Peri-Pro Developer II, Ultrasonic cleaner and basket, Stat IM 2000 autoclave, Welch Allyn head light, Peri-Optix Loupes, N2O Gas stand with Porter-MXR flow meter other miscellaneous oral health equipment, utensils and supplies. For a complete listing, contact Ed Dzedzy, Administrator, Lincoln Country Health Department, (509)725-2501, edzedzy@co.lincoln.wa.us.

We send our thoughts and prayers to Snohomish County Clerk Pam Daniels, whose father passed away in Spokane this week.

Our deepest sympathies to Secretary of State Sam Reed, as well, whose father also passed away in Spokane, the end of January.
Western Washington Instream Flow Workshop
A technical workshop/conference on in-stream flows will take place in May at the University of Washington. The two-day workshop will convene at the HUB Student Union Building Ballroom, University of Washington, on May 28-29, 2003, to examine the physical factors that control streamflows in western Washington streams and rivers, to explore the impacts that humans have on runoff and flow-dependent biota and habitat, and to evaluate and refine the methods, approaches, and tools used to study and manage streamflows and their effects. The workshop will comprise technical presentations, expert panel discussions, and moderated question and answer sessions that explore the science and applied aspects of streamflow management, and the relationships between physiography, land use, water use, streamflows, and riverine and riparian ecology. This workshop will provide an open forum for discussion, and will educate and connect instream flow scientists, managers, and other interested parties from both government and non-governmental sectors. For more information, contact: http://www.stewardandassociates.com/Instream/index.htm

Western Governors’ Association to Host Forest Health Summit
The Western Governors’ Association will host a Forest Health Summit June 17-19 in Missoula, MT to accelerate locally driven projects that will prevent catastrophic wildfires by reducing fuel loads and restoring lands.

Improving forest health and reducing the risk of wildland fires is a top priority for WGA’s Chair, Gov. Judy Martz of Montana, and Idaho Gov. Dirk Kempthorne, who serves as WGA’s lead governor for the issue.

“Last year was one of the worst fire seasons on record for several of our states,” Gov. Martz said. “The continuing drought almost guarantees that 2003 will be another record year. We need to know what collaborative efforts are working, what the latest science is and what assistance is available. The Forest Summit will bring together governmental leaders and those involved at the local level to examine the issues that will help us on the ground.”

Gov. Kempthorne, a member of the Wildland Fire Leadership Council, helped spearhead development of a 10-year strategy and implementation plan agreed to by Western governors and the Bush Administration to reduce the risks of wildland fires to communities and the environment. Recently, WGA was among the recipients of the first-ever National Fire Plan awards. Secretary of Interior Gale Norton and Secretary of Agriculture Ann Veneman recognized WGA for providing “exemplary leadership” in coordinating and successfully engaging a diverse group of interests to develop the strategy and implementation plan. Engaging locals is a key component of the Forest Health Summit.

“This will be a good opportunity to update the progress being made on protecting the nation’s public lands and private property from the threat of devastating wildfires,” Gov. Kempthorne said. “Under the WGA’s leadership, we have made tremendous strides in getting federal, state and local interests working together, and this meeting will give us a chance to compare notes and, if necessary, fine-tune the implementation of the 10-year fire strategy. We must also use this meeting to expand our discussions on the health our public lands and environment.”

Discussions at the Summit are expected to focus on the latest scientific efforts to assist forest health projects, implementation of the 10-year strategy and the President’s Healthy Forest Initiative, budgetary and legislative issues, and the status of the 2003 fire season. Wildland Fire Leadership Council members plan to attend the Summit to hear from interested parties and hold their own meeting in Missoula as well. Summit attendees will also participate in a forest health field trip near Missoula to examine thinning, rehabilitation and community assistance efforts.

An agenda for the meeting and registration materials will be posted on the WGA Web site in February. For information on the meeting as it becomes available or to receive e-mail updates visit www.westgov.org/wga/meetings/forest_health_summit.htm.

The Western Governors’ Association is an independent, nonprofit organization representing the governors of 18 states and three U.S.-Flag islands in the Pacific. Through their Association, the Western governors identify and address key policy and governance issues in natural resources, the environment, human services, economic development, international relations and public management.

Western Land Use Conference
Klamath Community College and the California State Grange have devised a conference specifically designed to assist county commissioners in negotiating this state and federal land use minefields with your sanity, integrity and your job intact. It will take place in Klamath Falls, Oregon on February 22 and 23.

The program sponsors write, “Negotiating the countercurrents of public opinion is the politician’s lot in life, and as an elected local official you are eminently experienced in responding to the demands of your communities. In doing so, you must have at your command as many pertinent, useful tools and bits of information as you can lay your hands on. Yet when obstacles appear insurmountable, it is often because the requisite tools and information are lacking. This is precisely the case when federal land use regulation intrudes on the domain of local governments.

“The Western Land Use Conference will provide you with elements critical to dealing with such conflicts. Please review the accompanying brochure for details, and plan to attend. We feel it is so important for elected public officials and staff to have this material at their command, that we are waiving the attendance fee for you. Please accept this as our contribution to the betterment of informed and empowered local government.”

To register: Please RSVP so space, meals and materials are reserved for you. If you have any questions, please contact Katherine Van Tuyll, Secretary, PFUSA Grange 835, at (541) 857-0678, E-mail: pathfinder@surfcom.com; or Ric Costales, President (Master), PFUSA Grange, at (530) 468-2698, E-mail: tmbst@sisqtel.net <mailto:tmbst@sisqtel.net>.

Suggested accommodations:
Red Lion Inn, 3612 South 6th Street, Klamath Falls, Oregon Ph. 541 882-8864 Fax 541 884-2046 Sgl/Dbl $63/nt + tax Located across from the fairgrounds - restaurant, lounge, room service, spa, airport shuttle.
2003 MEETINGS

February 13
WSAC Legislative Rally, Luncheon and Reception, Olympia

February 24 – 26
County Auditors Recording Conference
Sun Mountain Lodge, Winthrop

February 28 – March 4
NACO Legislative Conference, Washington, DC

March 13
Washington Counties Insurance Fund (WCIF)/Washington Counties Insurance Pool (WCIP) - Insurance Advisory Committee HIPAA Seminar WCIF Board of Trustees – SeaTac

March 19-21
Association of County Human Services meeting, SeaTac

March 20
Certified Public Official (CPO) Training – Earthquakes, Fires, Floods, Volcanic Eruptions, Terrorism, Are you Prepared? Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Airway Heights

March 21
Certified Public Official (CPO) Training – Earthquakes, Fires, Floods, Volcanic Eruptions, Terrorism, Are you Prepared? Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Pasco

March 27
Certified Public Official (CPO) Training – County Government Structure Roles and Responsibilities, (full day course), Puyallup

April 2
Certified Public Official (CPO) Training – Emergency Management, Olympia

April 3
Certified Public Official (CPO) Training, County Government Structure Roles and Responsibilities, Spokane

April 3 – 4
WSAC Western District Meeting, West-Cost Hotel, Olympia

April 6-12
National Counties Government Week

April 9
Certified Public Official (CPO) Training, Emergency Management, Wenatchee

April 10
Certified Public Official (CPO) Training, Emergency Management, Everett

April 10-11
WSAC Eastern District Meeting, Quality Inn, Clarkston

April 16
Certified Public Official (CPO) Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Colfax

April 17
Certified Public Official (CPO) Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Wenatchee

April 23
Certified Public Official (CPO) Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Silverdale

April 23-25
WAPA Spring Training Program, Tumwater

April 24
Certified Public Official (CPO) Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Chehalis

April 25
Certified Public Official (CPO) Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Edmonds

May 1
L & I Retrospective Rating Meeting, Best Inn R&R, Ellensburg

May 5-8
County Auditors’ Elections Conference Yakima

May 5-9
Washington Association of Prosecuting Attorneys- Support Enforcement, 2003 Annual Training, DoubleTree Hotel Spokane City Center, Spokane

May 8
Certified Public Official (CPO) Training, Decision-Making in the Workplace (full day elective course), Puyallup

May 14-16
WAPA Support Staff Training Program, Sun Mountain

May 15
Certified Public Official (CPO) Training, Decision-Making in the Workplace (full day elective course), Eastside TBD

May 19–22
WASPC Spring Conference, WestCoast Grand Hotel, Spokane

May 21-23
Association of County Human Services meeting, Tri-Cities

May 28 – 31
WIR (Western Interstate Region) Annual Conference, Reno-Sparks, Nevada

May 29-30
WAPA District Court Training Program, SeaTac

June 5
Certified Public Official (CPO) Training, Risk Management (full day core course), Westside TBD

June 10-12
Washington State Association of County Auditors’ Annual Conference, Sun Mountain Lodge, Winthrop

June 16-18
Washington State Association of County Assessors Conference, Okanogan

June 16-20
Washington State Association of County Treasurers’ Annual Conference, Davenport Hotel, Spokane

June 18-19
Washington State Association of Coroners and Medical Examiners Conference Training Spokane

(Continued on page 14)
Calendar of Events

September 18
WCIF/WCIP Insurance Advisory Committee 2004 Renewal Meeting, WCIP Board of Directors, WCIP Board of Trustees - West Coast Hotel at SeaTac

September 29–October 3
WACO/WSAC Joint Conference, Doubletree Hotel, SeaTac

September 30
Certified Public Official (CPO) Training, Ethical Dilemmas: Integrity as a Tool for Successful Public Officials (full day core course), SeaTac

October 1
Washington Counties Insurance Fund (WCIF) Board of Trustees in conjunction with the WACO/WSAC Legislative Conference

October 15
WCIF/WCIP A.C.E. Committee Meeting, Yakima

November 17–20
WASPC Fall Conference, Campbell’s Resort, Chelan

November 19–21
Association of County Human Services meeting, Seattle

2004 MEETINGS
February 27 – March 2
NACo Legislative Conference, Hilton Washington & Towers, Washington D.C.

April 21–23
WAPA Spring Training Program, Spokane

May 12–14
WAPA Support Staff Training Program, Chelan

May 24–27
WASPC Spring Conference, Yakima Convention Center, Yakima

June (Date TBD)
National Sheriffs’ Association meeting, Seattle

June 22–25
WSAC Summer Convention, Sheraton Tacoma, Pierce County

June 23–25
WAPA Summer Conference, Chelan

July 16–18
Association of County Human Services (ACHS), Vancouver

July 16–20
NACo Annual Conference, Maricopa County, Phoenix, AZ

October 4–8
WACO/WSAC Joint Conference, Spokane

November 15–18
WASPC Fall Conference, Shilo Inn, Ocean Shores

2005 MEETINGS
March 3–4
NACo Legislative Conference, Marriott Wardman Park Hotel, Washington D.C.

May 11–13
WAPA Support Staff Training Program, Spokane

May 23–26
WASPC Spring Conference, West Coast Wenatchee Center Hotel, Wenatchee

June 13–16
WSAC Summer Convention, Kennewick

June 22–24
WAPA Summer Conference, Chelan

July 15–19
NACo Annual Conference, City & County of Hawaii, Honolulu, HI

October 3–7
WACO/WSAC Joint Conference, Ocean Shore

2006 MEETINGS
July 21–26
NACo Annual Conference, Denver, CO

2007 MEETINGS
TBD
NACo Annual Conference, Richmond, VA (Sponsored by the Counties in the Metropolitan Richmond Area)
The job openings you send to WACO and WSAC are now listed on the web. Simply go to either WACO (www.wacounties.org/waco/main.html) or WSAC (www.wacounties.org/wsac/index.htm) websites and click on the “Employment” button.