Registration Deadline Approaching

Thursday, March 13 is the registration deadline for Emergency Management for Elected Officials. Please complete and fax your registrations to WSAC as soon as possible.

Tri-Assocation Testifies in Favor of Local Option Revenue Bill, HB 2098

Earlier this week the three presidents of the Tri-Association, Harold Moss from WSAC, Greg Zempel from WACO and Chuck Mosher from AWC testified in favor of HB 2098, providing financial assistance to counties and cities. This bill grants counties the same authority that is given to cities to impose business and utility taxes, and increases the maximum local utility taxation rate to eight percent of gross income. It provides additional general retail sales and use tax authority to counties of 0.2 percent, and includes a formula for the distribution of revenues collected. It adds new regular property tax levy authority of up to 10 cents per thousand dollars of assessed valuation for counties and up to 25 cents per thousand for cities. It authorizes the creation of a new taxing district in county unincorporated areas, and it provides regular property taxation authority of up to 25 cents per thousand. Finally, it appropriates $25 million to the Department of Community, Trade, and Economic Development for financial assistance to local governments without an adequate tax base.

President Moss said, “By passing this bill the legislature gives local citizens more tools to make choices about budgets and taxes in local communities. Right now, the only choice for many communities is to continue cutting.”

President Zempel emphasized the need to appropriate direct financial assistance to counties and cities that cannot provide basic governmental services without state assistance.

Also testifying in favor was King County Councilmember Larry Phillips. He pointed out to the committee that King County has made real cuts of $41 million in 2002 and $53 million in 2003 resulting in a net budget reduction, not just a reduction in the growth of the budget. He also explained that 73% of the counties revenues come from property taxes, which are limited to a 1% growth by I-747.

Most business groups lined up in opposition to the bill mostly on the basis of the utility tax increase.

An email was sent to all members of the Tri-Association urging them to contact members of the House Finance Committee to support the bill. The last day for committee action before cut-off is Monday, March 10. The Committee is meeting at 1:30 p.m.

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Details and scholarship applications are available on our Web page at www.wacounties.org

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Deadline - April 7, 2003
Districts may ask voters to approve a lid off that sets the growth rate for the property tax levy limit calculation for up to six years. The growth rate may be fixed, variable, or linked to an index, such as the consumer price index. Districts may use the property tax amount at the end of the lid lift period as the base for future calculations of the 1% limit.

The Substitute Bill addressed concerns expressed by Assessors regarding the verbiage used in the original bill. It also changed the maximum period from 10 years to 6 years.

**Local Option Capital Asset Lending (LOCAL) Program Advisory Committee Seeks Member**

The State Treasurer’s Office LOCAL Program Advisory Committee needs to fill a vacancy representing WSAC. The LOCAL program is an expanded version of the successful state agency lease/purchase program. The program was originally created by the Legislature in 1989 to provide the lowest cost financing for state agency purchases by pooling funding needs into larger offerings of securities. The Legislature passed legislation in 1998 to provide local government access to the program. Local government agencies of all types can finance equipment or real estate needs through the State Treasurer’s office subject to existing debt limitations and financial considerations.

The major benefits of LOCAL are (1) simplicity and (2) low cost financing. Participants will benefit from the current program rating of Moody’s Aa2, low fees and expenses, and access to the public bond markets.

An advisory body was created to guide the program. Representatives of local governments are appointed by associations representing various types of entities to provide direction and feedback on proposed program features, guidelines, and procedures. Appointed or elected officials interested in representing WSAC should send a letter or e-mail indicating your interest in serving in this capacity to Maureen Morris (mmorris@wacounties.org).

**Senate Committee Approves State Lottery Five Minute Keno**

The five minute keno proposal from last year is back and moving. The Senate Commerce and Trade Committee voted 4-to-1 to allow multiple Keno drawings a day, paving the way for Washington to offer the games every five minutes. Oregon currently operates a similar game. Washington State Lottery now holds Keno drawings once a day. Tribal casinos, bingo players and religious groups opposed the plan outlined in SB 6009. A representative for GTech Corp., a company that provides technology for the Washington State Lottery, supported it.

Lawyers in the House and Senate are exploring the question of how many votes it would take to pass the bill. The Washington Constitution requires a 60 percent majority in each chamber to expand gambling. But supporters of SB 6009 say that would not be necessary in this case because offering more lottery drawings doesn't constitute an expansion of gambling.

The bill doesn't place any daily limits on how frequently the Washington State Lottery could offer Keno drawings. But the Lottery's executive director, said offering Keno more frequently than every five minutes would become logistically and administratively "very difficult." Legislative analysts estimate it would generate as much as $38 million in state tax revenues in the first two years of operation.

The Keno bill has been overshadowed by intense scrutiny of the non-tribal gaming industry's request for permission to operate 18,000 video slot machines. Currently, only tribes have the authority to offer those games. Last week, key Democrats in the Senate said they had enough bipartisan votes to block any expansion of gambling in the state. Gambling proponents questioned those figures.
Assessor Interest Bills set for Hearings Next Week

Since the cut-off date for fiscal bills is Monday, March 10th, we can start crossing bills off our list instead of adding them! This cut-off date means bills introduced in one house, either the House of Representatives or the Senate, must be out of Committees in the house of origin by that date. It also means no new bills can be introduced unless they are necessary to implement the budget. The only hearing of interest to Assessors next week is the House Finance Committee at 1:30 p.m. on Monday March 10. They will hear public testimony on HB 2135 which modifies the senior property tax exemption in RCW 84.36.381. People confined to an adult family home or boarding home that provides enhanced adult residential care or assisted living services would not be disqualified from the exemption to their home as the principal place of residence.

Early Retirement Bills Heard

Currently in the House Appropriations Committee are several bills concerning early retirement for public employees. This week the committee heard testimony on HB 1458 and HB 1499 as well as spontaneous testimony on all of the concepts before the committee. We are listing all of the bills here since they are of interest to many jurisdictions and their employees.

HB 1284 provides that any PERS Plan 2 member, who has 20 years of service and has reached at least age 55, would be eligible to retire with an early retirement reduction.

HB 1458 permits public employers experiencing reductions in workforce to offer retirement incentive programs.

HB 1499 permits PERS Plans 1 and 2 members electing to retire during an early retirement window to receive one additional year of service credit for each five years of actual service, up to a maximum of 30 years.

HB 1505 allows PERS Plan 2, SERS Plan 2 and TRS Plan 2 members who have at least 10 years of service and have reached at least age 55 to continue participating in their former employer’s insurance plans and contracts.

HB 1599 authorizes public safety workers who have at least 20 years of service and have reached at least age 55 to retire early in PERS Plan 2.

HB 2180 provides PERS Plan 1 members the option to withdraw accumulated contributions and receive a reduced monthly benefit. Members of PERS Plans 2 and 3 who have at least 5 years of service and have reached at least age 60 would be eligible to retire with an early retirement reduction.

SB 5301, companion bill to HB 1284, and SB 5525, companion bill to HB 1505 are currently in the Senate Ways & Means Committee. A summary and more detailed comparison of all of these bills is attached to this week’s edition of the Courthouse Journal.

Nuisance Abatement

HB 2006 would authorize counties to create, by ordinance, a local definition of “nuisance”, and to enforce their nuisance ordinances with prioritized liens. A number of prosecutors have expressed support for this expansion of authority. Some of the treasurers, though, are concerned that the enforcement provisions may create difficulties if a county forecloses on a property where the cleanup costs exceed the property value. Lewis County Treasurer Rose Bowman testified with concerns during the Local Government Committee hearing on Tuesday.

The bill was introduced in response to a request from Spokane County (where the foreclosure issues apparently are not a problem) and has been amended to apply only to Spokane County. Spokane County Commissioner Kate McCaslin was also at the hearing testifying in favor of the measure. Further amendments may be proposed. WSAC is monitoring the bill.

Lodging Industry Continues to Press for Restrictions on Hotel Motel Tax

SSB 5668 would restrict local government flexibility in using the hotel-motel tax. The bill is currently in Senate Rules awaiting floor action. The bill would require jurisdictions collecting over $5,000 per year to establish a lodging committee of up to seven members. One of the members is a member of jurisdiction’s legislative authority. The jurisdiction must submit funding proposals to the committee for review, comment and approval. The jurisdiction may accept or reject proposals approved by the committee, but it may not add any projects. The committee will recommend use of at least 75% of funds each year. Funds pledged but not used within seven years revert to the fund. The definition of tourist related facilities is tightened to include only facilities that are primarily intended to attract tourists. The hospitality industry has been frustrated by what it feels are inappropriate uses of the tax for activities and facilities that do not result in hotel stays.

Pierce County Local Option Revenue Bill Moves Out of Committee

The Senate Government Operations and Elections passed SSB 5659 that provides local sales and property tax options for counties and cities in counties with populations of less than one million persons. The bill would allow counties to impose an additional 0.3% sales tax county wide with a simple majority vote at the ballot box. Proceeds from the sales tax would be distributed 40% to the county for county-wide services, 40% to cities based on population and 20% to the county for the unincorporated area. The property tax provisions of the bill are more complex. It would permit the county to impose a property tax of up to 30 cents per $1,000 of assessed value. This new tax authority would be subject
to pro-rationing under the 1% limit, but not the $5.90 limit. Cities would be permitted to impose the tax and have it deducted from the county tax in most circumstances.

**New Flexibility for PERS 3 Members**
Currently, PERS 3 members make a single irrevocable decision about their contribution rate for the defined contribution portion of the plan. SB 5091 and HB 1206 would permit them to change their contribution rate during a one month window each year. This bill has been passed by the Senate Ways and Means Committee.

**Senate Committee Moves Bill to Grant Counties Relief Under Binding Arbitration and Mediation**
Senator Bob Morton’s bill (SSB 5664) makes significant changes to binding interest arbitration and mediation for counties. The bill has moved out of the Senate Commerce and Trade Committee and into the Senate Rules Committee. This is the first significant movement on this issue in recent memory.

The bill would move the county population threshold for binding arbitration from 10,000 to 25,000. It requires the arbitrators to use in state comparables only when a sufficient number are available. The cost of living index is changed from the consumer price index to the implicit price deflators. Arbitrators will also be required to give substantial weight to internal equity and local labor markets and to consider the financial constraints of the governing body.

For employees bargaining under RCW 41.56.492, arbitrators are also required by the bill to consider the financial constraints of the governing body and internal equity and local labor markets. The bill also requires the use of the implicit price deflator rather than the consumer price index or other indicators.

**Limits on Retiree Rehire**
Legislators have heard numerous loud complaints from individuals that felt they were not given adequate consideration for positions ultimately filled by retirees. Legislators have considered a number of limits on rehiring. SSB 5742 would reduce the number of hours a retiree could work without pension reductions. For retirees with a one month service break the limit is reduced from the current 1,500 hours to 867 hours. For retirees with a 60 day service break the limit stays at 1,500 hours. A new cumulative total of limit of 1,900 hours is imposed. The bill requires employers to use and document established hiring procedures for rehiring of retirees. Rehires must be approved by the highest public official of the employer. Written or oral agreements to rehire prior to retirement are prohibited. The State Auditor is required to audit for compliance with the restrictions. SHB 1829 contains similar provisions. Both bills are moving and some version of the restrictions is likely to pass.

**County Treasurers**
ESHB 1564, the treasurers’ clean-up bill, passed the House on Thursday, with Representative Alexander’s amendment regarding acceptance of credit cards. The bill will now move over to the Senate.

Treasurers’ Legislative Chair Rose Bowman testified before the Senate Ways and Means Committee this week on SHB 1069, expanding interest and penalty waivers on delinquent property taxes. She reported that the substitute bill was agreed upon by treasurers and the prime sponsor. The bill passed out of committee today.

**Budget, Finance, and Taxes (continued)**

HB 1073, foreclosing against the sublease rather than the improvement on the lot when property taxes are delinquent on lots that are private leases of publicly owned land (Lake Cushman bill), has been passed out of committee to the House Rules Committee.

HB 2200, prohibiting interest and penalties on delinquent property taxes for military personnel participating in Operation Enduring Freedom, was introduced this week. Similar legislation has been enacted in the past for “Operation Desert Shield/Desert Storm” in 1991 and “Joint Endeavor” in 1996. HB 2201, limiting interest and penalties on unpaid taxes if caused by participation in Operation Enduring Freedom, was also introduced. Both bills are in the House Finance Committee.
Bills of Interest to County Clerks:
HB 2054, restoring voting rights to felons before payment of legal financial obligations, failed to pass out of the House State Government Committee before the deadline.

HB 1744, increasing Superior Court fees, or something like it, is set for hearing next Thursday, March 13, at 8:00 a.m. in the House Judiciary Committee. A substitute will be offered at that time which is actually the language of SB 5846, the Equal Access to Justice bill that directs all of the state share of the $90 increase to support civil indigent legal services. The county clerks and WACO have already maintained that the split with the Public Safety and Education Account should stay the same and the PSEA share used to support the Criminal Justice Training Commission, the WSP Crime Laboratory, crime Victims, the Judicial Information Systems, and others including the Equal Access to Justice Program through Columbia Legal Services. Negotiations will continue through the week. HB 1744 is a WACO priority bill. WACO, as an association, also has set priorities on supporting the budgets of the CJTC and the Crime Laboratory.

SSB 5592/SHB 1816, garnishments, are in their respective Rules Committees, having passed out of the Judiciary Committees in both houses. Both bills allow attorneys to issue writs of garnishment in district courts, but both bills now exclude that authority in Superior Court.

SSB 5251, foreign judgments, a county clerks’ priority and a WACO priority, has passed out of the Senate Judiciary Committee and is now in the Senate Rules Committee. County clerks should contact Rules members and urge them to “pull” SSB 5251.

For Sheriffs:
SSB 5269, building mapping information systems; SSB 5270 Law enforcement mobilization; SSB 5473 Law enforcement training (interacting with developmentally disabled and the mentally ill); and, SB 5411, Nonpartisan sheriffs, have all moved to the Senate Rules Committee, the last stop before they are considered by the entire Senate. HB 2060, Certification of bail bond recovery agents, died in the House Commerce and Labor Committee.

Legal Financial Obligations:
SSB 6002, legal financial obligations, was heard in the Senate Children, Family Services and Corrections Committee earlier this week. The county clerks were instrumental in development of this bill in order to allow county clerks to collect legal financial obligations when offenders are no longer actively supervised by the Department of Corrections. They are also seeking the appropriation contained in the Governor’s proposed budget that would have gone to DSHS to assume DOC responsibilities. SSB 6002 is now in Senate Rules. HB 1836, Lowering the interest rate on LFOs to 4%, died in committee. SSB 5168 and SSB 5169, other LFO bills are before the entire Senate. SSB 5168, Allows a reduction in interest on LFOs and SSB 5169 changes some of the provisions on LFOs. Both bill are sponsored by Senator Hargrove and are favored by county clerks. County clerks are urged to contact Rules members and urge them to “pull” the SSB 6002.

SHB 1236, child dependency hearings, passed out of the House and is now in the Senate Children, Family Services and Corrections Committee. Many prosecutors who contract with DSHS for dependencies and county clerks objected to the bill which makes dependency hearings open to the public unless the judge finds it in the best interest of the child to exclude the public but always allows family members and those persons requested by the family to attend.

SB 5084, juror selection, died in the Senate Judiciary Committee. It would have eliminated the motor/voter jury lists which pool registered voters and licensed drivers.

‘Hertog’ Bill Moves Out of Committee
The House Judiciary Committee this week unanimously passed SHB 1764, which attempts to limit local government liability for the acts of persons released from jail pending trial. This is a Tri-Association priority bill.

The bill addresses half of the liability problem created by the 1999 Supreme Court decision in Hertog v. City of Seattle. The other half of the problem – liability associated with probation supervision – is not addressed in any House bills but is included as a component of SB 5728, the Senate’s omnibus tort reform bill.

The original version of SHB 1764 established a gross negligence standard for local governments responsible for pre-trial release or pre-trial supervision of criminal defendants. This version of the bill was heard in the House Judiciary Committee and received favorable testimony from WSAC, AWC, Kitsap County and Clark County. However, to get the votes to move the bill out of committee, supporters had to agree to replace the gross negligence standard with substitute language providing that the local government is not liable for selecting one of two or more alternative courses of action pertaining to pretrial supervision or pretrial release, even though the course of action chosen resulted in a poor outcome.
Five Counties
Recommended For
‘Extraordinary Criminal
Justice’ Reimbursement
The state Office of Public Defense (OPD) this week issued its recommendations for state financial assistance to counties that have incurred extraordinary costs associated with prosecuting and providing public defense in aggravated murder cases.

OPD forwarded to the Legislature requests for $737,414 for Kitsap County, $237,046 for Chelan County, $450,719 for Snohomish County, $109,756 for Whatcom County, and $8.4 million for King County. The King County recommendation is the largest ever in the history of the 5-year-old Extraordinary Criminal Justice Costs Act, and the first for King County. Most of the assistance for King County would help offset costs in associated with prosecuting and defending Gary Ridgeway, who is accused in four of the Green River killings and is under investigation in the other 45 deaths.

OPD’s recommendation is just the first step to receive state funding. The Legislature will make the final decision on how much if any assistance to provide to the five counties.
Transportation and Public Works

The cutoff for transportation committees is March 10th, so we will not have a complete picture of the policy bills that are moving. Next week's issue will focus on the transportation bills that have survived the first cutoff.

**Only One Building Code Bill Survives the First Cutoff**
The House Local Government committee unanimously passed out SHB 1734. It would direct the Building Code Council to adopt the International Building codes as that state building code. The bill enjoys broad support with the exception of the plumbers and plumbing contractors.

**Alternative Public Works**
 HB 1567 would expand the alternative public works processes to five additional counties. Counties with a population over 100,000 could take advantage of it.
Water Bills:
As expected a flood of water bills were passed from the House Agriculture and Natural Resources Committee and the Senate Natural Resources, Energy and Water Committee and await further action. There is something for everyone and every water issue remains in play.

The House Committee has reported out each of the bills in Governor Locke’s water package and many more. Both the House and Senate have bills addressing the following:

- Watershed Planning (SHB 1336, SSB 5027)
- Municipal Water Rights (SHB 1338, SSB 5024)
- Trust Water Rights (SHB 1317, SSB 5125)
- Stockwatering (HB 2116, SSB 5077)
- Wells (SHB 1337, SSB 5023)
- Groundwater exemption for domestic use (HB 2067, SSB 5145)

Several other bills address relinquishment (SSB 5025), the linkage between water rights and water pollution (HB 1534, SSB 5028), consumptive use (SSB 5106), instream flows (HB 2032) and the structure of the water rights decision-making process (SSB 5087).

Expect action on the first six topics and relinquishment.

Stormwater Legislation Moves Forward in House and Senate
Although only shadows of their initial incarnation, SHB 1689 and SSB 5645 moved out of committee this week as works in progress. No longer measures that primarily direct the Department of Ecology to not go beyond the minimum EPA requirements in writing the state permits, the bills now establish workgroups to write draft permits – keeping EPA requirements and cost of implementation well in mind.

Despite the clear directive that was initially sought, another goal of the legislation has already been achieved: to get the legislature more engaged in the policy and finances of local stormwater management. Senator Dan Swecker (R-Thurston County) and Representatives Joe McDermott (D-King County) and Mark Schoesler (R-Adams County) have thoroughly engaged in the topic.

Rep. Schoesler also has sponsored SHB 2088 which would require local stormwater programs to provide a 10 percent rate reduction for property owners with a rainwater collection system. The bill also would limit fees and charges on commercial timber land.

Paul Parker or Dahra Latham at WSAC would welcome any input on these evolving three bills.

Land Use Bills Surviving Policy Committee Cutoff
March 5 marked the first policy committee cutoff. Described below is a list of key land use bills that have passed out of committee. Some of them have gone directly to the Rules committee and the ones with a fiscal impact have one to one of the money committees. The Senate Land Use committee has passed several bills that would amend the GMA. The House Local Government committee only passed out a couple. Given this trend, I wouldn’t expect many of the Senate bills to pass in the House.

SHB 1755 establishes a new method for cities to annex unincorporated islands adjacent to or surrounded by cities. Cities and counties would hold public hearings and affect the annexation through an interlocal agreement. The bill was amended in committee to include a referendum clause.

HB 1801 reinstates the outside utility agreement method of annexation. It also amends the real estate disclosure form to require the seller to notify the buyer the parcel is subject to an outside utility agreement. Counties continue to oppose the transition as a result of annexation.

SHB 1957 eliminates the concurrency requirements when a state intersection or corridor causes the level of service on a locally owned transportation facility to decline below adopted standards and state funding is not provided to address the deficiency. This bill has been requested by Clark County.

SSB 5022 would allow a local government to amend their comprehensive plans at least twice a year. Chelan County has requested this bill for the last couple of years.

SSB 5160 would allow Ferry County to opt-out of the Growth Management Act.

SB 5282 would eliminate the growth management hearing boards. The bill went to the Senate Ways and Means committee.

SB 5308 restricts growth management hearings board review of plan and regulation compliance to adoption actions only. This bill passed the Senate this week.

SB 5309 requires senate confirmation of appointees to growth management hearings boards.

SSB 5351 states that no city, county, local agency or person be required to comply with any state environmental or land use requirement imposed as a condition of plan or permit approval unless the condition has first been applied on state owned lands, facilities, or waters of reasonable similar nature, if any, located within the same watershed.

SSB 5353 clarifies the requirement for local governments to incorporate the changes in the in agricultural exemption...
language in the shoreline management act when the next update occurs.

**SB 5354** gives greater deference to local governments with their planning decisions before the growth management hearings boards and the courts. It also states the 14 planning goals are to be balanced at the local level and no goal is more important than another. This bill is waiting for action by the Senate.

**SSB 5409** puts in to place a new petition method to annex uninhabited and inhabited lands. It passed the Senate this week. It is the companion to SHB 1231 that has already passed the House. These bills are supported by the annexation coalition.

**SB 5472** declares that eligible regulated real property is exempt from taxation from regular property tax levies by the state. Eligible regulated real property means real property for which the land value has been reduced by twenty-five percent or more after November 20, 2002, as a result of regulation under a shoreline master program adopted under chapter 90.58 RCW. The exemption continues until the cumulative tax savings due to the exemption equals or exceeds the reduction in value.

**SSB 5602** would require counties and cities to ensure at the next update to provide a sufficient capacity of land suitable for development within their jurisdiction to accommodate their allocated housing and employment growth. This bill has been requested by the Realtors. HB 1608 is the House companion.

**SSB 5658** provides that the requirements for counties and cities to consider best available science and conservation or protection measures shall be procedural requirements, not substantive requirements for the final adopted plans or regulations.

**SSB 5680** allows counties and cities with a population density less than 55 people per square mile to delay the update of their comprehensive plans and development regulations until they reach that density. Once the density is reached, the jurisdictions will have two years to update their plans. The density number is still under negotiation.

**SSB 5776** reforms the process of appeal and review of certain permit decisions made by state agencies for certain qualifying projects, by establishing uniform, expedited, and consolidated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

**SSB 5880** has been introduced as a response the Central GMHB’s decision about Everett’s shoreline master program. This was the first master program that was appealed to a GMHB. The decision has far reaching consequences if it were to stand. A diverse group is attempting to negotiate a legislative fix to the problems and questions from their decision. SHB 1993 is the companion to this bill.

**SB 6012** is one of the bookends to end the shoreline master program debate. It would take the previous shoreline master program guidelines and codify them in statute.

**Conservation Futures**

SSB 5140 and SSB 1411 have moved from their original committees to Rules and Finance, respectively. SSB 5140 raises the maximum levy rate for conservation futures to ten cents, and allows counties to use up to twenty-five percent of the revenue for maintenance and operations. SHB 1411 also raises the limit to ten cents, and allows a county to spend up to two cents per thousand dollars of assessed valuation on maintenance and operations, but only if they raise the levy rate above its present maximum of six and a quarter cents. In other words, a county levying at six and a quarter or less could not use any revenue for maintenance and operations, while a county presently levying at six and a quarter could increase the levy rate as high as eight and a quarter, and use all of the new revenue for maintenance and operations. Both substitute bills contain language requiring counties with large populations to “develop a process to help ensure distribution of the tax …throughout the county”.

WSAC has testified in support of these bills.

**Nuisance Abatement**

HB 2006 would authorize counties to create, by ordinance, a local definition of “nuisance”, and to enforce their nuisance ordinances with prioritized liens. A number of prosecutors have expressed support for this expansion of authority. Some of the treasurers, though, are concerned that the enforcement provisions may create difficulties if a county forecloses on a property where the cleanup costs exceed the property value.

The bill was introduced in response to a request from Spokane County (where the foreclosure issues apparently are not a problem) and has been amended to apply only to Spokane County. Further amendments may be proposed. WSAC is monitoring the bill.

**Limiting State Agency Land Purchases**

SSB 5518 moved to Rules on February 28. The bill requires state agencies, before purchasing a privately owned parcel larger than five acres, to post a bond or provide some other financial guarantee that the land will be managed for weed control. It also requires that the county have an opportunity to hold a public hearing before the purchase, and that the legislature specifically direct the agency to make the purchase. These requirements only apply to land purchased for habitat conservation, ecosystem preservation, wetland mitigation, or endangered species protection. WSAC has testified in support of the bill, as have a number of county officials.
Exempt Wells for Clustered Developments

**HB 2067** would create a new category of exempt well: wells for domestic use of clustered residential developments. The exemption would be limited to twelve hundred gallons per day, per residence in developments where the overall density is at or under one house per ten acres. This would allow, for example, a dense development of sixty homes in the center of a six hundred acre parcel to be supplied from exempt wells. The undeveloped part of the parcel could be kept in hay, timber, or other low-intensity agricultural use, forming a buffer between the residential area and surrounding agricultural lands. Clustering of homes reduces the cost of delivering services such as fire protection and sewer, while the buffer area reduces the chance that management practices such as controlled burning and crop-dusting will disturb residents. WSAC has testified in favor of the bill. It was passed to Rules.
State Mourns Loss of Child Advocate

During the early morning hours of February 28, Rosie Oreskovich, Assistant Secretary, Children’s Administration, Department of Social and Health Services (DSHS) unexpectedly passed away. State leaders expressed their shock at the loss of one of the state’s leading advocates for children. Rosie was just 54 years of age. The cause of death is unknown but she did suffer from diabetes and its inevitable complications.

The Olympian reported that officials, including Governor Gary Locke, showered praise on the memory of the woman they credit with making life much better for children especially those who are wards of the state. DSHS Secretary Dennis Braddock was quoted as saying he was “saddened by the sudden loss of one of the nation’s leading advocates for the welfare of children. All of us in DSHS are privileged to have been associated with Rosie and her work to look after and nurture children who find themselves in need of care and protection.” State Representative Ruth Kagi, Chair of the House Children and Family Services Committee called Oreskovich, “an amazing champion for children and families” who “believed strongly that we could always do it better. She fought for reform and was a recognized national leader.”

Rosie started at DSHS as a social worker in 1976. During a break from the agency, she ran Children’s Mental Health Services in King County and her departure from that role was viewed as a great loss by many in the County. She returned to DSHS as Assistant Secretary in 1994. She is remembered by the county family for her work to increase collaboration between the RSNs and the Children’s Administration, work that had just really begun to take off with increased one-on-one dialogue with the RSN Administrators and Children’s Administration. In addition, Rosie was instrumental in initiating the involvement of Child Protective and Welfare Services in cases where children were discovered in the home where methamphetamine was being manufactured and working in conjunction with local public health and local law enforcement in seeing to the protection of those children.

She will be missed by all who knew her and the many children in this state who have benefited from her passionate caring for their welfare.

Death Investigations

2SHB 1223, county coroner jurisdiction, has been amended for the second time and passed to the House Rules Committee. The second substitute in section 2 clarifies the duties of the Department of Social and Health Services and required the coroner or medical examiner to notify the department any time they receive notice of a child’s death. 2SHB 1223 does allow DSHS copies of autopsy or post-mortem reports when abuse or neglect is suspected or if the department has had an open case in the year preceding the child’s death. It also allows the department to share reports with their investigators if they initiate the investigation. Sheriff Dan LaRoche had problems with this part of the bill in the hearing before the committee and questioned DSHS “initiating” death investigations. 2SHB 1223, if it makes its way out of Rules, will go to a full vote of the House and then on to the Senate. The bill has until March 19 to leave the House.

HB 1981, death investigations task force, was voted out of the House Children and Family Services by a vote of 5 to 4 and is now in House Rules. Thurston County Coroner Judy Arnold testified against the bill for the Forensic Investigations Council and the Washington Association of Coroners and Medical Examiners (WACME) citing the bill was duplicative in that most of the information sought in the bill is already available and that it is the role of the Council to recommend improvements to death investigations in the state. Judy also recounted prior studies done in Washington that concluded a state medical examiner system was not necessary and in addition, recommended improvements to the current system that have been implemented.

HB 1578 and SB 5545, both bills to increase the fee for certified copies of vital records, are alive and well. The increase will provide some additional funding to local health district and will fund an electronic death registration system. HB 1578 is in the House Rules Committee. SB 5545 has until Monday night to make it out of the Senate Ways and Means Committee.

SB 5924 requires that requests made to the state toxicology laboratory for reports involving death investigations or impaired driving cases of living persons must be made to the agency who submitted the material for analysis. A similar bill was introduced last session but failed to pass. SB 5924 was a WACO priority last session and is out of committee and in Senate Rules.
Bills Miss March 5 Cut-off Date
HB 1139, evergreen recreation pass, and HB 1142, state parks & recreation funding, both missed the cutoff date and are dead.

Monday, March 10 Deadline
HB 1377, staggered vessel licensing is still in House Transportation Committee and must be voted out by Monday, March 10. So must the following:

SHB 1036, mail-in vehicle registration is in Senate Highways & Transportation Committee.

HB 1452, small trailer fees, HB 1293, flat license plates, and HB 1224, license plate replacement are still in House Transportation Committee.

SSB 5775, funding state parks and outdoor recreation imposes an excise tax of .8 percent on motor homes, travel trailers and campers. It is in Senate Ways & Means Committee and has not been scheduled for a hearing.

COUNTY AUDITORS – TIME IS OF THE ESSENCE
HB 1596 increasing the surcharge for the preservation of historical documents from $2 to $5 was passed out of House Local Government Committee on Monday and was referred to the House Appropriations Committee. The bill was heard in Appropriations yesterday at 3:30 p.m. Kitsap County Auditor Karen Flynn did an excellent job of testifying. Please contact your committee members on House Appropriations and ask them to pass the bill out of committee. The bill must be passed out of committee by Monday, March 10th or it is dead.

SHB 5478 increasing the surcharge for the preservation of historical documents from $2 to $5 was scheduled for Executive Session on Tuesday, and Senator Roach offered a substitute that lowered the increase to $3. The bill was passed out of committee with a unanimous vote. The bill was referred to Senate Rules Committee. Please contact your committee members on Senate Rules and ask them to “pull” the bill.

SB 5477 requiring the delivery of endorsements by recording officers is in the Senate Rules Committee. Please contact your committee members on Senate Rules and ask them to “pull” the bill.

HB 1593, requiring the delivery of endorsements by recording officers, is in the House Rules Committee. The amended version struck the language “upon request” and “must” and inserted “may.” Please take a look at the bill at www.leg.wa.gov/wsladm/bills.cfm. If you have committee members on House Rules please call them and ask them to “pull” the bill.

HB 1594 clarifying the role of a chief financial officer in a charter county is in House Rules Committee. If you have committee members on House Rules please call them and ask them to “pull” the bill.

SHB 1081, increasing the recording fee on deeds of trust by $1.00 for real estate fraud, was heard in House Appropriations Committee yesterday. Kitsap County Auditor Karen Flynn testified in opposition to the bill on behalf of the Auditors’ Association. The companion bill, SB 5118 was scheduled for a hearing in Senate Ways and Means Committee yesterday as well. Kim Wyman and Karen Flynn both testified in opposition to the bills on behalf of the Auditors’ Association.

Archives Legislation
HB 1152, revising funding of the archives division is in the Senate Government Operations & Elections Committee.

SHB 1153, which allows records that were previously confidential to become available to the public 75 years after they are created was passed out of committee and is in the Senate Government Operations & Elections Committee.

HB 1154, which provides funding for the State Archives oral history program as well as other archive activities, is also in the Senate Government Operations & Elections Committee.

Elections
SSB 5150, providing for the election of library trustees, is concerning the county auditors. Even though the library districts would pay for the election costs of their trustees, an initial election would be held to determine whether the trustees should be elected rather than appointed and it is thought that that would be a cost to the county. This bill is on the Senate floor calendar. Auditors’ Legislative Chair Greg Kimsey, Clark County, has asked prime sponsor Senator Benton to ask that the election take place during an even-year General election, so that costs could be limited.

Late last week, SSB 5069, assumptions of water-sewer districts by cities and towns, was amended in executive session. New Section 4 of the substitute bill says that the county legislative authority can decide that a water-sewer district should be disincorporated and present a resolution to the county auditor calling for a special election under RCW 29.13.020, so voters in the district can decide to approve or reject transfer of assets and disincorporation. The bill is in Senate Rules.

SHB 1094, extending mail balloting, passed out of committee last week. One of the amendments is very objectionable to county auditors. The amendment requires a county auditor to include voters who vote ongoing absentee in the count of active registered voters for purposes of precinct size. Cowlitz County Auditor Kris Swanson talked to Representative Brian Hatfield, prime sponsor of the bill, who indicated that auditors may have to wait until the bill is in the Senate to try to amend it.

HB 2026, requiring that absentee ballots be counted daily rather than every third day as provided in RCW 29.62.020, has died in the House Local Government Committee. Excellent testimony about the problems with the bill was given in public hearing this week by Jefferson
County Auditor Donna Eldridge, auditors’ legislative committee co-chair, and by Thurston County Auditor Kim Wyman.

**SB 5862**, providing for citizen election of members of the state board of education and increasing the number of board members to two per congressional district, died in the Senate Education Committee this week, after a litany of testimony against the bill.

**HB 1935**, changing prerequisites for county auditors calling special elections, passed out of the House Education Committee, and is in Rules.

This week, the Senate Government Operations and Elections Committee gave a do pass recommendation to **SB 5886**, allowing voters to indicate abstention from voting on any particular office and **SB 5046**, punishing officials lying about elections.

**More updates:**
**HB 1106**, authorizing the Secretary of State to observe county election facilities, passed the House and has been referred to Senate Government Operations and Elections Committee. Also passed by the House this week were **SHB 1159**, reorganizing election laws and **SHB 1160**, harmonizing election crimes and penalties, both Secretary of State request bills.
Personal Financial Affairs Statements Due Next Month
April 15, 2003 is the deadline for elected officials to submit statements of personal financial affairs (PDC Form F-1) to the Public Disclosure Commission.

Each official required to file the F-1 statement should have received a Personal Financial Affairs Statement manual distributed in January of 2003 from their jurisdiction. The current manual and forms can also be located on the PDC web page at www.pdc.wa.gov under Filer Assistance.

The annual Personal Financial Affairs Statement can also be filed electronically over the Internet. To electronically file, go to the PDC web page at www.pdc.wa.gov and select the Electronic Filing menu item. At this point you can find Personal Financial Affairs Filer information and follow the directions to file electronically.

Please contact the PDC with questions concerning the filing of Personal Financial Affairs Statements or any requests for modification of the reporting requirements at (360) 753-1111 or toll free at 1-877-601-2828.

NOTE: Officials may use agency computers and staff to file annual F-1 reports (since filing requirement stems from their holding public office).

Political Survey to be Mailed
California State University, Hayward graduate student Adam Moore (Grant County Commissioner Deborah Moore’s son) is writing a thesis that explores County Commissioners’ perceptions of the political process in Washington State, and the ways that geography influences these perceptions. Adam is mailing out surveys this week to all those who missed last month’s legislative rally in Olympia. He also wants to thank all the Commissioners who have returned their completed surveys.

WSAC urges all members to participate in this survey. Adam has chosen to write his thesis on counties and how geography influences the political process. Hopefully you will take the time to support him. It is not often that students show an interest in county government.

L & I Ergonomics Ideas Bank Debuts!
The Washington Department of Labor and Industries (L&I) has launched an Ergonomics Ideas Bank, a searchable collection of ideas for preventing workplace injuries and improving job safety and health. The web-based bank contains ideas for reducing heavy lifting, awkward postures, high hand force, repetitive motion, vibration and other workplace risk factors. The bank is located at www.LNI.wa.gov/wisha/ergoideas/.

Early Retirement Bills
HB 1499, authorizing early retirement for public employees’ retirement system Plan 1 and Plan 2 members and HB 1458, authorizing retirement incentive programs were heard by the House Appropriations Committee on Tuesday. A parade of public employers and employees testified in favor of the measures. Deadline for bills to move out of Appropriations is Monday, March 10. A huge fiscal note may not bode well for the bills.
Register Now For WSAC District Meetings

Hard to believe but the WSAC Western District Meeting is less than a month away. And the WSAC Eastern District Meeting is right behind!

With the Legislative Session so keyed to the future survival of county government, the Spring Western District Meeting this year is in Olympia. Eastern District Commissioners (wanting to be as far from Olympia as possible) are meeting in Clarkston. You should already have your registration packet.

Western District: The agenda kicks off at 8:30 a.m. April 3 with the Western District business meeting and continues through the morning of April 4. We have invited state agency directors to join us for dinner on April 3 at the Olympic Flight Museum – fabulous historic planes, WW II and Vietnam memorabilia, wonderful food, entertainment and friends.

Morning sessions on April 3 feature a Growth Management Retrospective and Outcome-Based Standards for Public Health. Other sessions that day will address transportation issues and county home rule. Friday morning, April 4, begins with a Budget Roundtable with commissioners and councilmembers relating your current status and how you plan to meet any ongoing revenue shortfalls. The meeting concludes with the Western District business meeting.

Please make hotel reservations with the Red Lion Hotel, Olympia at 360-943-4000 or 866-896-4000. Room rates are $58.00 per night for a single, $68.00 for a double. The cut-off date for the guaranteed rate is March 14. Be sure to give the reservation desk our group name, Washington State Association of Counties, when making the reservation.

To receive the advanced registration rate, WSAC must have the form by March 19. Questions? Call Ginni Peppert at WSAC.

Eastern District: The agenda kicks off at 8:30 a.m. April 10 with a special Clarkston welcome, followed by the

Washington Delegates Attend NACo Legislative Conference

Elected officials from both WACO and WSAC were in attendance to the Annual NACo Legislative Conference last week in Washington, D.C. They heard from several members of the Administration as well as members of U.S. Senate. First Lady Laura Bush addressed the conference on her vision of preserving America. She spoke eloquently about helping to preserve and enjoy America’s cultural and natural assets. She cited specific examples of county projects.

Homeland Security Secretary Tom Ridge addressed the Conference following the First Lady’s remarks. This was the first official day for the Department of Homeland Security and his first official presentation as the new Secretary. He said the Administration was committed to supporting full funding of $3.5 billion in the 2004 budget for assistance to local first responders.

Also addressing the conference were Secretary of the Interior Gayle Norton, Senate Minority Leader Tom Daschle, Senator Byron Dorgan from North Dakota and Governor Mark Warner from Virginia.

NACo had three priorities they were urging members to discuss with members of Congress: immediately pass a federal economic growth package to stimulate the economy that provides significant direct aid to state and local governments; immediately pass legislation authorizing states to require retailers in other states to collect and remit sales and use taxes on remote sales; and, appropriate an additional $3.5 billion in assistance to local first responders in the FY 2004 budget to protect our homeland. Washington’s elected officials carried this message as well as local concerns to all members of the Washington delegation.
Courthouse Ramblings

Walking on Sunshine...In Spokane!
Get those walking shoes ready! The WACCC’s (Washington Association of County Commissioners & Council Clerks) is proud to announce that they will be sponsoring their First Annual Walk/Run at the 2003 WSAC Convention in sunny Spokane! This exciting event will begin at 7 a.m. Thursday, June 26. Registration is $10 per person, which includes a t-shirt and a chance to win prizes in a drawing. Registration information will be included with WSAC’s conference registration. Any questions please email julie@co.kittitas.wa.us.
# Calendar of Events

## 2003 MEETINGS

| 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 | CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Airway Heights |
| March 21 | CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Pasco |
| March 27 | CPO Training – County Government Structure Roles and Responsibilities, (full day course), Puyallup |
| April 2 | CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Olympia |
| April 3 | CPO Training – County Government Structure Roles and Responsibilities, (full day course), Spokane |
| April 3 – 4 | WSAC Western District Meeting, Red Lion Hotel (Formerly WestCoast), Olympia |
| April 6-12 | National Counties Government Week |
| April 9 | CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Wenatchee |
| April 10 | CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Everett |
| April 10-11 | WSAC Eastern District Meeting, Quality Inn, Clarkston |
| April 16 | WCIF/WCIP ACE Committee Meeting |
| April 16 | CPO Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Colfax |
| April 17 | CPO Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Wenatchee |
| April 23 | CPO Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Silverdale |
| April 24 | CPO Training, Public Meetings – Public Disclosure, (half day elective, Joint City County, repeated from 2002), Chehalis |
| April 25 | 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 | WAPA-Support Enforcement, 2003 Annual Training, Doubletree Hotel Spokane City Center, Spokane |
| May 8 | CPO Training, Decision-Making in the Workplace (full day elective course), Puyallup |
| May 14-16 | WAPA Support Staff Training Program, Sun Mountain |
| May 15 | 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 | Western Interstate Region (WIR) Annual Conference, Reno-Sparks, Nevada |
| May 29-30 | WAPA District Court Training Program, SeaTac |
| June 5 | 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 |
| June 18-20 | WAPA Summer Conference, Chelan |
| June 23-27 | Washington State Association of County Clerks’ Annual Conference, Silverdale Hotel, Silverdale |
Calendar of Events (continued)

June 24  
CPO Training, (full day core course), Spokane

June 24  
CPO Training, Navigating through Change (tentative) (half day elective course), Spokane

June 24  
WCIF Board of Trustees – WSAC Summer Conference/Spokane

June 24–27  
WSAC Summer Convention, Spokane Valley Doubletree

July 11–15  
NACo Annual Conference, Milwaukee County, Milwaukee, WI

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

July 29–August 23  
IACREOT Conference, Denver CO

July 30  
CPO Training, WCRP Sponsored Elective Course Title (TBD), Spokane

August 21  
WCIP Board of Directors Rate Setting – Wyndham Gardens at SeaTac

September 3-5  
WAPA Special Assault Training Program, Leavenworth

September 7-9  
WAPA Juvenile Training Program Leavenworth

September 9-12  
County & Regional Planning Directors/City Planning Directors Joint Conference, Campbell’s, Chelan

September 17-19  
ACHS meeting, Moses Lake

September 18  
WCIP/WCIP Insurance Advisory Committee 2004 Renewal Mtg, WCIP Board of Directors, WCIF Board of Trustees --- WestCoast Hotel at SeaTac

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

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

October 1  
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  
ACHS 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  
ACHS, Vancouver

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

September 14-17  
County & Regional Planning Directors/City Planning Directors Joint Conference, Campbell’s, Chelan

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

September 13-16  
County & Regional Planning Directors/City Planning Directors Joint Conference, Campbell’s, Chelan

October 3-7  
WACO/WSAC Joint Conference, Ocean Shores

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)