

Courthouse Journal

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Washington State Association of Counties
Washington Association of County Officials

February 14, 2003
Issue No. 6

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Courthouse
Journal*

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Senator West Supports Tri-Association Legislation at Legislative Rally

Senator Jim West (R-Spokane), Senate Majority Leader, announced support for the Tri-Association public health funding bill during his remarks at the rally luncheon on Thursday. West announced that he will be the prime sponsor at the request of Dr. Kim Thorburn, Health Officer for the Spokane County Health District. Senator West was previously the Chair of the Health Care committee and former vice-chair of the Spokane Health District while a city councilmember in the City of Spokane. He said that public health must have increased resources to meet increasing demands on the system.

In addition to his strong support for the public health bill, he is supporting a major overhaul in the tort liability laws, another Tri-Association bill. This bill could signifi-

cantly reduce tort judgments and reduce costs for local governments. See story on page 4.

Senator West also tried to put the state budget in perspective by comparing the deficit to 1970 when Boeing laid off 70,000 workers and 1981/82 when the budget deficits were equal to a \$5 billion deficit in 2003 dollars. He complimented Governor Locke for his leadership in presenting a very difficult budget that used the "Priorities on Government" analysis process. And he emphasized that his caucus has set a priority of trying to help the economy get started by considering those bills that will advance the economy. In his words, "It's the economy."

PILT Set for FY03

(NACo)

Last night, Congress finalized the FY 2003 "omnibus" appropriations bill. President Bush has said he will sign it. Payment in Lieu of Taxes (PILT) was given a record \$220 million - a \$10 million increase over the FY 2002 level. This is a BIG DEAL, folks. Early indications were that funding would be level or even subject to a cut.

We urge you to FAX a letter to the following members of the House-Senate Conference Committee thanking them for this increase, particularly those of you from Alaska, West Virginia, Montana, North Carolina, Washington, Wisconsin or Florida. We spend so much time with our hands

out; let's remember to be grateful when our representatives in Washington do what we ask them to do under difficult circumstances. *It's not only good politics, it's good manners.*

The Honorable Ted Stevens (R-AK),
Chair, Committee on Appropriations, US
Senate - 202.224.2354

The Honorable Robert C. Byrd (D-
WV), Ranking Minority Member, Commit-
tee on Appropriations, US Senate -
202.228.0002

The Honorable Conrad Burns (R-MT),
Chair, Subcommittee on Interior & Related
Agencies, Committee on Appropriations,

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US Senate - 202.224.8594

(Note: Senator Byrd also serves as Ranking Minority Member on the Subcommittee on Interior & Related Agencies)

The Honorable C.W. "Bill" Young (R-10th FL), Chair, Committee on Appropriations, US House of Representatives - 202.225.9764

The Honorable David Obey (D-7th WI), Ranking Minority Member, Committee on Appropriations, US House of Representatives - no Fax Number - send via US Mail

The Honorable Charles Taylor (R-11th NC), Chair, Subcommittee on Interior & Related Agencies, Committee on Appropriations, US House of Representatives - no Fax Number - send via US Mail

The Honorable Norman D. Dicks (D-6th WA), Ranking Minority Member, Subcommittee on Interior & Related Agencies - 202-226-1176

Thank you. One last thing. Please copy me on your correspondence.

Paul V. Beddoe, Ph.D.
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The Courthouse Journal

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Budget, Finance & Taxes

As Olympia Awaits Forecast Updates, State Budget Deficits Nationwide Grow by 50%

Last week the National Conference of State Legislatures (NCSL) reported that estimated state budget deficits nationwide had grown by 50% in the last two weeks. In November NCSL reported that states had already cut their 2003 budgets by \$49.1 billion. They expected to cut another \$17.5 before the end of June. The February report showed that the gap that must be closed between now and the end of June had grown to \$26 billion.

NCSL reported that about two thirds of states had responded to its request for information about Fiscal Year 2004. The estimated deficit for that group totaled \$68.5 billion. The states report that the deficit is a result of sagging revenues and increased costs. Medicaid costs for the elderly, poor and disabled are the biggest culprit on the cost side. A complete story is available at the NCSL website:

www.ncsl.org

In Olympia, legislators are dreading the March forecast updates for revenues and caseloads. It is likely that the update will include a modest downward revision of the revenue forecast and costly increases in workload. Caseload forecasts are provided for things like school enrollment, prison populations, nursing home patients and Medicaid recipients. For a variety of reasons all of these caseloads tend to increase during economic downturns. This means that legislative budget writers will be looking for more budget cuts or more revenue.

Assessor Interest Bills Set For Hearings Next Week

The House Finance Committee hearings next week include a 1:30 p.m. hearing on February 18 on the resulting bill from the streamlined sales and use tax agreement. **HB 1863** would implement the work done by that group to this point and let the state continue to participate in the study group. The cities had issues with the sourcing portion of the agreement during a work session held in the House Finance committee a few weeks ago. The sourcing issue would require sales tax to be collected at the point of delivery, not the point of sale where the tax is now collected. On February 20, at 8:00 a.m., **HB 1240**, providing tax incentives for biodiesel and alcohol fuel production, **HB 1241**, providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels, **HB 1549** modifying senior citizen property tax provisions and **HB 1723** exempting qualified historic property from the state property tax, will all have public hearings in House Finance. All these bills would give some type of property tax exemption. The next day, February 21, at 1:30 p.m., the Committee will hear **HB 1869** which would require performance audits for tax preferences. This bill would seek to review tax preferences/exemptions and this hearing will be broadcast on TVW.

On February 18 at 6:00 p.m. the House Local Government Committee will hold a hearing on **HB 1695** which pro-

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Budget, Finance and Taxes

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vides tax incentives for certain multiple-unit dwellings in urban centers. The Farm Bureau's bill on exempting farm M&E from county levies, **HB 1677**, has a hearing in House Agriculture & Natural Resources on February 19 at 1:30 p.m. The companion bill, **SB 5640**, was heard in the Senate Agriculture Committee last week and King County Assessor Scott Noble testified against the Senate Bill with concerns about expanding exemptions and the possibility of further prorating junior districts under the \$5.90 aggregate limit. The Farm Bureau testified there is excess capacity under the 1% because of the reduced school levy and was unaware of the \$5.90 limit.

This is a quite week for assessors in the Senate. The only concern is **SB 5472** which would provide a tax exemption for property that has declined in value due to shoreline regulation. This bill would reduce assessed value by the amount of value lost from shoreline regulation and could be measured by an appraisal report submitted by a State Licensed General Appraiser, not

necessarily the assessor. The bill is set for possible executive session on February 17 at 3:30 p.m. Please contact your legislators and let them know how you feel about this legislation. Scott Noble, Assessors' Legislative Committee Chair testified against the bill during the public hearing and WACO staff has been working with the Senate Land Use & Planning staff to amend the language, but to date the bill has not been changed. If you need a list of members on this committee please let WACO know.

County Treasurers

HB 1564, the county treasurers' cleanup bill, was heard by the House Local Government Committee on Thursday. Testifying in favor of the bill were Treasurers' Legislative Chair Rose Bowman, Lewis County, and co-chair Ron Strabbing, Grays Harbor County. Rose also discussed the amendment that they are proposing to Section 2 removing the provision that prohibits personal property from being sold at auction until all property taxes have been paid and instead providing the taxes owed

will become an automatic lien against the proceeds of the auction.

SHB 1069, authorizing additional waivers on interest and penalties for delinquent property taxes, passed out of the House Finance Committee this week with amendments that satisfied the county treasurers. The substitute bill says that interest and penalties would be waived on late property taxes if the tax bill is not sent to the taxpayer due to an error by the county.

Hotel Motel Tax Advisory Board Powers

As the Courthouse Journal goes to press, the Senate Economic Development Committee is hearing a proposed substitute to **SB 5668, which would** limit the powers of county and city councils and commissions to make decisions regarding hotel and motel taxes. Variations of this proposal have been heard in previous sessions. The proposed substitute would force localities to spend the funds within five years. In addition, funds could only be spent for purposes approved by the local advisory board composed of industry representatives.

Courts, Law and Justice

Legal Financial Obligations

Several bills dealing with the legal financial obligations (LFOs) of criminal offenders have been introduced. **HB 1514, suspending accrual of interest on court ordered obligations** during periods of total confinement, was heard in the House Criminal Justice and Corrections Committee this week. Representative Jeannie Darneille is the prime sponsor. King County Clerk Barb Miner testified with the concern that the tracking of total confinement was onerous and required manual updates to the accounting system used by the courts. She suggested that the mechanism in **SB 5168** was more easily implemented. **SB 5168** would allow offenders to petition the court to reduce or waive the accrual of interest after release. Representative Darneille has addressed her concern regarding the high interest rate on obligations by sponsoring **HB 1836, which would reduce the rate from 12% to 4%**. No hearing has been set for **HB 1836**. Representative Lovick has sponsored **HB 1761** which would take 5% of an inmate's wages to be dedicated to his victim if a

sexual assault occurred.

Court Fees

SB 5778 was introduced this week and would set an additional fee of \$15 when amended filings are filed in district and municipal courts. **HB 1792, law library surcharge, has been set for hearing in the House Judiciary Committee** next Thursday, February 20, at 8:00 a.m. **HB 1792** allows the county legislative authority, upon showing of need, to impose an additional surcharge on filing fees of up to \$12 in Superior Court and up to \$6 in District Court to fund county and regional law libraries.

HB 1744, Increasing filing fees in Superior Court, has been introduced with no hearing set. There is wide-spread agreement that a fee increase is needed but discussions continue with the Equal Access to Justice Group who would dedicate the state's entire share of the increase to civil representation of the poor. County clerks and the WACO membership have held that the increase to the Public Safety and Education Account (PSEA) should be divided

by the legislature for civil representation, the Criminal Justice Training Commission, crime victims, the WSP Crime Laboratory, court computer systems and the other entities who depend on PSEA for funding. The Equal Access to Justice Bill has been introduced today as a Supreme Court request and is **SB 5846**. No hearing has been set.

HB 1816, writs of garnishment, allows attorneys to issue writs of garnishment in district courts. County clerks objected to the attorneys issuing writs in Superior Court and it is our understanding that provision will be removed in the Senate version of the bill. County clerks should advise their district courts of **HB 1816** to gauge their position.

Tort Reform Week in the Senate

SB 5728, the Senate's omnibus civil liability reform bill, is scheduled for three days of hearings in the Senate Judiciary Committee Wednesday, Thursday and Friday, February 19, 20 and 21. The committee

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Courts, Law & Justice

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hearings are all at 8:00 a.m.

The omnibus bill addresses joint and several liability, tort judgment interest rate, employment reference checks, seat belt evidence, medical malpractice, caps on non-economic damages, and government liability. Several components of the bill are part of the Tri-Association and WSAC legislative packages, and a panel of local government officials will be testifying in favor of the bill.

Although some elements of the bill have been introduced as stand-alone bills in the Senate, it looks like the Judiciary Committee will hear public testimony on only the omnibus bill. Other committees, however, may consider some of the stand-alone bills.

The Senate Children & Family Services and Corrections Committee heard testimony this week on two bills that also would help limit county liability for criminal justice and human services activities.

SB 5673, sponsored by Senator Dale Brandland, provides that under no circumstances will any staff member or governing unit of an adult jail or juvenile detention facility be held civilly or criminally liable for an act committed by an offender

after the offender's lawful release from confinement.

SB 5542, sponsored by Senator Jim Hargove, provides that the state departments of Corrections and Social and Health Services, and their agents, are not liable when the state worker or agent exercises reasonable care and selects one of two or more alternative courses of action, even though the course of action chosen results in a poor outcome. Although directed primarily at the state, this bill helps counties that are acting as agents of the state for purposes of some human services programs.

Individual county lobbyists and WSAC staff testified in support of both bills.

Also on the civil liability radar screen:

HB 1274, the House version of the tort judgment interest rate proposal, is scheduled for executive session today in House Judiciary. This bill would cut the current 12 percent interest rate on tort judgments to an interest rate calculated at 2 percent over treasury bills.

HB 1764, sponsored by Representa-

tive Pat Lantz, limits local government liability for the actions of criminal defendants who are released from jail pending trial. It alleviates some of the exposure to lawsuits that counties have been concerned about since the Supreme Court's 1999 opinion in Hertog v. City of Seattle. This bill is scheduled for hearing at 1:30, Tuesday, February 18, in the House Judiciary Committee.

Other Law & Justice Bills of Interest:

HB 1085 decreases the authorized number of King County District Court judges from 26 to 23. **HB 1822** provides that if a District Court vacancy occurs and the remaining number of judges is greater or equal to the number recently authorized by the state, the county need not fill that vacancy. Current law requires that vacancy be filled until the next election. These bills help counties that have lost District Court workload due to annexations and incorporations, and need to downsize their courts accordingly.

Both bills are scheduled for hearing 8:00 a.m., Thursday, February 20, in the House Judiciary Committee.

Transportation and Public Works

Building Codes Bill Scheduled For a Hearing

HB 1734 would update the state building codes to the International codes. This is the bill local governments and the State Building Council have recommended to the Legislature for the last three years. The bill is scheduled for a hearing on February 19, at 8:00 am, in the House Local Government committee.

Transportation Performance Audits

Last week, the House passed three transportation related bills. The Senate Highways and Transportation committee held a work session on transportation performance audits. The bill would require performance audits on state agencies only. WSAC staff worked with the committees to ensure the bill only applies to state agencies. The County Road Administration

Board would be subject to the new audit requirements. **SHB 1121** passed out of committee this week.

Regional Transportation Investment District

The Senate Highways Committee held a hearing on one of the RTID's request bills (**SB 5769**) to clarify the bonding authority. It authorizes the RTID to issue revenue bonds without a vote of the district. The bill passed out of committee this week.

Hearings next week

2/17/03 House Transportation 3:30 pm House Hearing Room B

HB 1163-Governor's proposed transportation budget

2/18/03 House Transportation 3:30 pm House Hearing Room B

HB 1735-creating a street utility (this is AWC's request legislation)

2/18/03 Senate Highways 3:30 pm Senate Hearing Room 1

SB 5340-Modifying the commute trip reduction program

Shoreline Management Act Negotiations Reach an Impasse

The negotiations between the parties of the settlement agreement and local governments reached an impasse last Friday. We have trying to reach an agreement on an implementation schedule and funding certainty. The major stumbling block is assurances in funding. Local governments want assurances that the legislature will appropriate funding in the future bienniums. Apparently the principles to the settlement agreement have called a meeting to work on the funding challenge.

It is important that your staff continue to evaluate the proposed guidelines and develop a cost estimate. Please forward that cost estimate to Scott Merriman at WSAC.

House Local Government Committee Holds a Work session on the Proposed SMA Guidelines

The House Local Government committee held a work session on the settlement agreement. The proponents explained the agreement and suggested how the Legislature can help implement the agreement. Cities and counties explained the current funding challenges at the local level and the need for full funding in order to update a shoreline master program.

Annexation Updates

The House Local Government Committee passed **HB 1231 out of committee this week**. This bill is the coalition's request bill. It was amended at the request of the coalition to fix a technical problem.

At WSAC's request, Sen. Mulliken agreed to sponsor **SB 5689** to require interlocal agreements between cities and counties for future annexations. The interlocal agreement would be the opportunity for the county to negotiate with a city how to transition from county to city as a result of an annexation. The cities are concerned about the bill and would like to have a meeting between city and county officials. The bill is scheduled for a hearing on Monday, February 17, at 3:30 in Senate Hearing Room 3.

HB 1801 would authorize outside utility agreements as an additional method of annexations. The bill has been re-

quested by the city of Yakima.

Hearings next week

2/17/03 Senate Land Use 3:30 pm

SB 5689-encouraging interlocal agreements prior to annexation

SB 5658-concerning the use of best available science under the GMA

2/18/03 House Local Government 6:00 pm

HB 1755-creating an alternative means of annexation of unincorporated island of territory.

Stormwater Bills Scheduled for Hearing

Legislation directing the Department of Ecology to minimize cost impacts to counties and cities faced with implementing federal stormwater management mandates will be heard in the House and Senate this week. **HB 1689**, sponsored by Representative Kelli Linville (D-Whatcom County) will be heard in the House Agriculture and Natural Resources Committee at 10:00 a.m. Tuesday, February 18. **SB 5645, sponsored by Senator Dan Swecker** (R-Thurston County) will be heard in the Senate Natural Resources, Energy & Water Committee at 1:30 p.m. Wednesday, February 19.

These hearings will focus attention on another costly program required of local government with no federal or state funding provided. 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 Clean Water Act § 402(p), 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 regu-

lated 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 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. (See related story below, More on Stormwater – Phase II Compliance....)

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 cities and counties 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.

Electronic Death Registration System

SB 5545, using fees to develop and maintain a web-based vital records system, was heard on Thursday in the Senate Technology and Communications Committee. **SB 5545** and its' companion, **HB 1578**, are Department of Health bills which will increase the cost of certified copies of vital records to \$15. The fee for additional copies of death certificates will also be set at \$15. Seven dollars of the fee for additional copies will fund the electronic system. **HB 1578** will be heard in the House Appropriations Committee on Tuesday, February 18 at 3:30 p.m.

NACCHO Grants for Hepatitis C Educational Training Sessions

The National Association of County and City Health Officials (NACCHO) will be awarding eight grants of \$10,000 to local public health agencies (LPHA) to convene community-wide and/or statewide hepatitis C (HCV) educational training sessions. Session attendees may include health officials and staff, providers, and other interested parties. The grant funding may be used to cover staff time, advertising and promotion, facility charges, copy costs and supplies. For more information or to download the RFP and application, visit www.naccho.org, click on "Programs", and then click on "Hepatitis C Project". The content of the training sessions will depend upon the needs of the grantee LPHA and those in surrounding communities. NACCHO will assist the grantees with access to hepatitis experts and other potential speakers. Sessions should be held by October 1, 2003. Applications must be received by mail or fax (not post-marked) at NACCHO by March 10, 2003.

West Nile Virus – The Public Health Role

Submitted by Dr. Kim Thorburn, Health Officer, Spokane Regional Health District on behalf of WSALPHO

Horse lovers and birders are growing anxious, as our El Nino winter is quickly dissipating into spring. West Nile Virus (WNV) killed at least 2 crows and infected a horse in Washington last fall, signifying its arrival. What that has meant in other places is a disease outbreak: bird die-offs,

sick horses and a few cases of human encephalitis. Early spring may mean early mosquitoes and the awakening of WNV.

Counties should be planning now. Mosquitoes that carry the virus have been identified in every Washington county. Human cases will generate intense attention and bird die-offs and sick horses will also create concern. County officials will be looked to for a response.

The goal of the response should be to control the spread of WNV. Mosquitoes, including at least nine species identified in Washington, spread it. Birds are "definitive hosts." This means that when a carrier mosquito bites a bird (the crow family seems most susceptible), the bird becomes infected. When a mosquito bites an infected bird, it takes in WNV-laden blood and can then spread the virus when it bites another bird or some mammals. We humans and horses are called "accidental" or "dead-end hosts." That means that we don't contribute to the life cycle of the virus. Carrier mosquitoes can infect humans and horses but the mosquitoes cannot pick up the virus from us.

Things to consider for a WNV response plan include: clarification of roles and responsibilities (this problem touches many agencies), surveillance, mosquito control (personal protection, habitat control and pesticing), and public information.

In public health, we have responsibility for surveillance and public information. We have been conducting surveillance for the past couple of years, including mosquito trapping and dead-bird and human encephalitis surveillance. The mosquito trapping contributed to the first Washington State mosquito census in a couple of decades. We were interested in determining if mosquitoes known to carry the WNV reside in Washington. We will now also be turning our attention to looking for virus-laden mosquitoes as a means to track the potential for spread of disease.

Dead-bird surveillance tracks the presence of the virus. Public health officials do not collect dead birds as a means to identify disease outbreaks among birds but rather, use birds as indicators of the presence of the virus. Our focus is human disease and both mosquitoes and birds serve as markers of risk.

While horse owners and birders may be at increased alert with the arrival of WNV in Washington, it is human disease

that will predictably generate the most public alarm, especially if we are unprepared with our responses. Most human disease is mild, a flu-like illness, but there are rare instances of encephalitis (brain inflammation), especially among the elderly, and an occasional death. We should anticipate human cases this spring, now that WNV is here in Washington, and upon the diagnosis of human cases, we can also expect demands on public officials to do something.

Public health is prepared to provide information about personal protection (i.e., use of clothing, insecticides and avoidance) and habitat control to prevent mosquito bites. A more challenging pressure on local governmental entities will be calls for mosquito abatement. In jurisdictions with mosquito districts, this issue is easier to deal with than other areas. Lacking a mosquito district, local governments need to consider storm-water drainage, roadside habitats, private property in the hands of owners who are non-compliant about habitat control, and possible referrals to private pest control operators. This means inter-agency cooperation and the time to be meeting is now. We in WSALPHO are prepared to be a resource.

Human Services Hearings of Interest the Week of February 17 – 21

Hearings of interest are:

House Juvenile Justice & Family Law – 8:00 – February 18

HB 1824 - Requiring development of criteria for research-based treatment programs for juveniles.

House Judiciary – 1:30 – February 18

HB 1577 - Prescribing restricted drivers' license for alcohol violators.

HB 1696 – Revising provisions involving alcohol-related offenses

House State Government – 1:30 – February 18

HB 1630 – Requiring proceeds from the sale of facilities listed in RCW 71A to support programs for persons with developmental disabilities

House Children & Family Services – 6:00 – February 18

HB 1723 – Prioritizing services to persons with developmental disabilities

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Public Health and Human Services

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HB 1770 – Specifying services that should be available for children with developmental disabilities

Senate Judiciary – 8:00 – February 19, February 20 & February 21

SB 5728 – Providing for omnibus civil liability reform

House Children & Family Services – 8:00 – February 19, Work Session: Children's Administration Budget Implications

House Criminal Justice & Corrections – 1:30 – February 19

HB 1776 – Prohibiting a secure commu-

nity transition facility from being sited within thirty miles of another secure community transition facility.

House Juvenile Justice & Family Law – 10:00 – February 20

Work Session: Briefing on issues involving community-based sentencing alternatives to commitment in Juvenile Rehabilitation Administration facilities.

House Appropriations – 3:30 – February 20

Work Session: Joint Legislative Audit and Review Committee Performance Audit of Developmental Disabilities Division

House Financial Institutions & Insurance – 8:00 – February 21

HB 1828 – Requiring that insurance coverage for mental health services is at parity with medical and surgical services.

House Judiciary – 8:00 – February 21

HB1736 – Revising provisions regarding the role of guardians for persons with developmental disabilities.

HB 1767 – Permitting a forensic competency examination to be conducted in a jail, detention or correctional facility, or appropriate community setting by one examiner.

Elections, Recording and Licensing

Licensing

HEARING NEXT WEEK ON COUNTY AUDITOR PRIORITY BILL

HB 1377, staggered vessel licensing. The bill is scheduled for a hearing in House Transportation Committee on Tuesday, February 18 at 3:30 p.m. in House Hearing Room B. Please contact your legislative co-chairs if you are interested in coming to testify!

HB 1036, modifying subagent authority to process mail-in vehicle registration renewals is still in House Transportation Committee and has not been scheduled for Executive Session. Companion bill **SB 5246** was passed out of Senate Highways & Transportation Committee and is on second reading in Senate Rules Committee.

Mason County Auditor Al Brotche and Jackie Burnett, Mason County Licensing Supervisor testified Monday on **HB 1452** which allows 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. Brotche testified that the county auditors' association supported the decrease in trailer fees, but would prefer the reduction in fees apply to all trailers. Brotche also proposed an amendment to **HB 1452** that would remove the gross weight schedule and make the fee a flat rate of \$15.00. The \$15.00 fee would include \$11.50 for licensing and \$3.50 in filing fees. Burnett testified as to the day-to-day interactions faced as a Licensing Supervisor in Mason

County, and gave the committee a brief overview of the fees currently paid for horse trailers, travel trailers and utility trailers.

Burnett came to Olympia again on Wednesday to testify on **HB 1293** which directed the Department of Licensing (DOL) to solicit a proposal for implementing a flat, digitally printed license plate system. By the time the hearing started a proposed substitute bill was in place of the original. The proposed substitute addressed the majority of the concerns Burnett came prepared to testify on. She also testified on **HB 1224**, which authorizes DOL 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.

Recording

HEARING NEXT WEEK ON COUNTY AUDITOR PRIORITY SB

5478 increasing the surcharge for the preservation of historical documents from \$2 to \$5, has been scheduled for hearing in Senate Government Operations & Elections Committee on Wednesday, February 19 at 1:30 p.m. in Senate Hearing Room 3. Please contact your legislative co-chairs if you are interested in testifying!

The companion bill **HB 1596** was heard in the House Local Government Committee on Thursday. County auditors and county clerks descended on Olympia to testify in support of the bill. Snohomish County Auditor Bob Terwilliger and

Thurston County Clerk Betty Gould did an excellent job of testifying, and showed the committee physical examples of documents dating from the mid 1800's that are in need of preservation as well as restoration. Also, testifying in favor of the bill was Kittitas County Auditor David Bowen who addressed the current cost of recording a document, and stressed the importance of not turning the recording fee into a "Christmas Tree" of fees that generate revenue for special interests not related to recording. Other county auditors in attendance were Clark County Auditor Greg Kimsey, Cowlitz County Auditor Kris Swanson, Island County Auditor Suzanne Sinclair and Kitsap County Auditor Karen Flynn. County clerks in attendance were Chelan County Clerk Siri Woods and Franklin County Clerk Mike Killian.

COUNTY AUDITOR PRIORITY

SB 5477 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 **HB 1593** was heard in House Local Government Committee on Thursday. Testifying in favor of the bill was Snohomish County Auditor Bob Terwilliger and Kitsap County Auditor Karen Flynn.

SHB 1081, mortgage lending fraud

(Continued on page 8)

Elections, Recording and Licensing

was *passed* out of committee this week with only one committee member voting no. The substitute bill lowers the surcharge to \$1 and requires that it be charged upon the filing of any deed of trust rather than just "residential first mortgage deeds of trust." It also clarifies that the fund shall be used only for the criminal prosecution of fraud within the mortgage lending process. The substitute bill requires the Department of Financial Institutions to report yearly to the Legislature regarding account activity and provides the provision that the bill expires as of June 30, 2008.

Companion bill, **SB 5118** is still in committee and has not been scheduled for Executive Session.

HEARING NEXT WEEK ON COUNTY AUDITOR PRIORITY HB 1594 clarifying the role of a chief financial officer in a charter county, an Auditor priority bill has been referred to Senate Government Operations & Elections Committee. The bill clarifies that the term chief financial officer is meant to apply only in charter counties. The bill has been scheduled for a hearing in **House Local Government Committee on Tuesday, February 18 at 6:00 p.m. in House Hearing Room E**. Please contact your legislative co-chairs if you are interested in coming to testify!

Elections

SB 5463, the Secretary of State's request bill authorizing a pilot project for military and overseas voters to vote over the Internet, was heard by the Senate Government Operations Committee Tuesday. Testifying for the Auditors' Association in support of the bill were Clark County Auditor Greg Kimsey, Auditors' Legislative Committee co-chair, and Thurston County Auditor Kim Wyman. The project would be overseen by the U.S. Department of Defense.

HB 1155, the House companion bill is in the House Rules Committee. Auditors who have legislators on House Rules can help by calling the Rules members and ask that the bill be "pulled" to the House calendar.

On Wednesday morning, Mason County Auditor Al Brotche and Grays Harbor County Auditor Vern Spatz attended a packed House Education Committee hearing to testify in favor of **HJR 4204**, amending the Constitution to provide for a

simple majority of voters voting to authorize a school levy. Among the dozens of supporters from the schools and various related associations, it was nice to hear from elections officials, as well. **SJR 8215** was introduced this week, by request of the Governor, and has the same language as **HJR 4204**.

On Thursday, the House State Government Committee had a full agenda with elections bills. Several auditors were in attendance to testify in favor of the following:

HB 1093, updating the primary ballot rotation law and **HB 1094**, **extending mail balloting** – Kris Swanson, Cowlitz County and Bob Terwilliger, Snohomish County.

HB 1106, authorizing the secretary of state to observe county election facilities – Karen Flynn, Kitsap County.

HB 1222, requiring voting devices to be accessible to individuals with disabilities – Greg Kimsey, Clark County, Auditors' Legislative Committee co-chair.

HB 1431, changing the primary date to June – Bob Terwilliger and Karen Flynn. It is not expected that this bill will be passing out of committee in its current form.

SSB 5219, voting systems certification, passed out of the Senate Government Operations and Elections Committee this week.

SJR 8210, blanket primaries is on the Senate floor calendar.

SSB 5222, election crimes and penalties, is in Senate Rules.

Elections Issues – Hearings Next Week

Senate Government Operations & Elections Committee - Tuesday, February 18, 1:30 p.m.:

SB 5754, requiring the supervisor of elections in charter counties to be an elected position.

SB 5046, penalizing officials lying about elections.

SB 5221, reorganizing election laws (Secretary of State Request – reorganizing Chapter 29)

SB 5153, establishing a procedure for the election of county commissioners by district.

SB 5150, providing for the election of library trustees.

Senate Government Operations & Elections Committee - Tuesday, February 19, 1:30 p.m.:

SB 5587, requiring voting devices to be accessible to individuals with disabilities.

House State Government Committee - Thursday, February 20, 8:00 a.m.:

HB 1669, phasing-in state payment for even-year elections. This bill is a Tri-Association proposal and a WACO Legislative Priority. **SB 5688 is the companion bill.**

HB 1473, specifying when vacancies in certain county offices may be filled. This bill provides that if a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor may commence once he or she has qualified and shall continue through the term for which he or she was elected. The Senate companion bill is **SB 5794**. If either of these bills pass, the voters would have to approve a constitutional amendment in the general election.

HJR 4206, amending the constitution to provide for vacancies that occur after the general election (must be ratified by voters if **HB 1473** is to go into effect).

HB 1670, adjusting the definition of "election cycle".

Archives

HB 1152 revising funding of the archives division was *passed* out of the House and has been referred to Senate Government Operations & Elections Committee.

HB 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 House Rules Committee.

HB 1154 which provides funding for the State Archives oral history program as well as other archive activities was *passed* out of the House and has been referred to Senate Government Operations & Elections Committee.

General Government and Miscellaneous

Filling Vacancies

HB 1473, specifying when vacancies in certain county offices may be filled. This bill provides that if a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor may commence once he or she has qualified and shall continue through the term for which he or she was elected. The Senate com-

panion bill is **SB 5794**. If either of these bills pass, the voters would have to approve a constitutional amendment in the general election.

Tri-Association News

A Tri-Association proposal and WACO Legislative priority bill will be heard by the House State Government Committee on Thursday, February 20, at 8:00 a.m.

HB 1669, phasing-in state payment for

even-year elections is an issue that has been brought time and time again before the legislature over the past two decades. State statute requires the state to pay for odd year election costs, but as we all know, the majority of state and federal positions and issues are on the ballot in even years. The companion bill is **SB 5688**, which has not yet been scheduled for hearing in the Senate Government Operations & Elections Committee.

Courthouse Ramblings

Our thoughts and sympathy are with Grant County Commissioner **Tim Snead**, whose father (H.E. "Mode" Snead) passed away

Wednesday, February 12 in Spokane. Mr. Snead served as Grant County Commissioner from 1960 until 1976. Funeral ser-

vices will be held at 10 a.m. Saturday, February 15, at Our Lady of Fatima Catholic Church, Moses Lake.

Calendar of Events

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-Coast 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 (tentative)

WCIO Board of Directors meeting, SeaTac

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

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Calendar of Events

(Continued from page 10)

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

June 18-20
WAPA Summer Conference, Chelan

June 23-27
Washington State Association of County
Clerks' Annual Conference, Silverdale
Hotel, Silverdale

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

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

June 24
WCIF Board of Trustees – WSAC Sum-
mer 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
meeting, Vancouver

July 29-August 23
IACREOT Conference, Denver CO

July 30
Certified Public Official (CPO) Training,
Washington Counties Risk Pool (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 17-19
Association of County Human Services
meeting, Moses Lake

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

September 29–October 3
WACO/WSAC Joint Conference, Double-
Tree 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 Con-
ference

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

November 17–20
WASPC Fall Conference, Campbell's Re-
sort, 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, We-
natchee

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

(Continued on page 12)

Calendar of Events

(Continued from page 11)

NACo Annual Conference, Denver, CO

2007 MEETINGS

TBD

NACo Annual Conference, Richmond, VA

(Sponsored by the Counties in the Metropolitan Richmond Area)

Employment Opportunities

County Job Listings Have Moved to the Web!

Starting this week, the job openings you send to WACO and WSAC are listed on the web. Simply go to the WACO (www.wacounties.org/waco/main.html) or WSAC (www.wacounties.org/wsac/index.htm) website and click on the employment button. Links to the WACO and WSAC websites are also found on the link

function on the MRSC home page at

www.mrsc.org

In the near future we hope to add a feature that will permit you to submit your listing right on the web site. In the mean time, we are asking that you submit the listing by e-mail. Be sure to include the name of the position, its salary, the name, e-mail, and phone number for a contact, and, if applicable, your county website

where details on the job and application process are posted.

We hope that moving the listings to the web will give them broader exposure and allow us to post them on a more timely basis.

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