

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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**Western
District
Meeting**

Register Now!

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Public Health Measure to be Heard

As *the Courthouse Journal* went to press, the Senate Ways and Means Committee was hearing the Tri-Association proposal to fund local public health with a \$0.25 cent statewide property tax levy (**SB 5920**). The proposal contains a referendum clause which would send it to the voters in November 2003. The proposal would replace the currently threatened state and local funding, as well as provide improvements to meet new challenges including West Nile Virus and bio-terrorism. Many local officials continue to be concerned that federal homeland

security funding is limited to one time expenses for training, equipment and planning and that funding lags well behind mandates. Current federal plans put local public health agencies on the front line for smallpox vaccination without any funding to carry out this massive task. The bill has a long list of sponsors and county and city officials testified for the bill. The Superintendent of Public Instruction testified against the bill stating the tax should be raised for the common schools.

Tri-Association Revenue Bill and Concepts Get Hearings

On February 26 the Senate Government Operations and Elections Committee heard Pierce County's regional revenue bill (**SB 5659**) that incorporates many of the provisions of the Tri-Association Revenue bill. The bill is strongly supported by nearly every city in Pierce County. Two small cities that do not want to be part of the regional revenue sharing agreement oppose the bill's provisions to distribute the city portion of sales tax revenue on a per capita basis. These cities have relatively high per capita sales tax receipts and do not want their revenue distributed to former equalization cities. Two

of the largest cities in the county, Tacoma and Puyallup, will be net donors to the poorer cities and strongly support the bill. All of the cities in the county support the idea of providing regional and unincorporated revenues to the county.

On March 4 at 1:30, the House Finance Committee will hear the Tri-Association revenue bill (**HB 2098**). This bill contains all of the revenue options, plus a \$25 million appropriation for hard hit cities and counties. Members are urged to contact their members in support of both of these measures.

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Deadline - April 7, 2003

Senate Hears Tri- Association Bills Limiting Binding Interest

The Senate Commerce and Trade Committee heard two bills last week that address the Tri-Association position on binding interest arbitration. **SB 5808**, making interest arbitration panel determinations, would require the arbitrators to give substantial weight to internal equity and local labor markets. It would also require working condition

comparisons be based on personnel in the state of Washington when an adequate number of comparable employees exists in the state. And finally, the arbitrators must take into consideration the financial ability of the public employer to meet the costs of parties' proposals without requiring the reduction of programs or staff, and giving due consideration to the other services provided by the public employer.

SB 5664, uniformed personnel collective bargaining, would define "Uniformed personnel" as law enforcement officers employed by the governing body of a county with a population of 25,000 or more. In

making its determination, the interest arbitration panel must consider the financial constraints of the governing body. This means that counties under 25,000 population would no longer be subject to binding interest arbitration

Lincoln County Commissioner Ted Hopkins testified the cost of binding interest arbitration was more than some counties could afford. He testified that in one county they had spent over \$100,000 just on the arbitration process not counting the wage settlement.

Senator Bob Morton is the prime sponsor of both of these bills. WSAC and WACO members are urged to contact members of the committee and urge that they be supported.

The Courthouse Journal

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

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Register Now For WSAC Western District Meeting

Hard to believe, but the WSAC Western District Meeting is only a month away. With the Legislative Session so keyed to the future survival of county government, the spring meeting this year is in Olympia! You should already have your registration packet.

The agenda kicks off April 3, at 8:30 a.m., 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 a legislative update from WSAC staff. The Legislative Steering Committee will meet beginning at 11:00 a.m.

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.

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

DNR Marina Rent Bill

SB 5041 passed out of Senate Ways and Means this week with language that still includes marine rent tied to the upland parcel. The Majority Report indicated a do pass recommendation and was signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Roach, Sheahan, B. Sheldon and Winsley. The Minority Report was a do not pass recommendation signed by Senators Fraser and Regala.

We are having better luck in the House. In a meeting with Representative Eickmeyer (sponsor), San Juan County Assessor Paul Dossett, Island County Assessor Tom Baenen and WACO staff were able to reintroduce the income approach. Representative Eickmeyer took our recommendations and introduced a substitute to **HB 1250**. In the substitute language the rent formula for qualifying marinas is established as a percentage of a marina's gross revenues. The percentage rate, along with portions of a marina's revenues will serve as a basis for the rent rate, not the upland parcel. This will be determined by Department of Natural Resources (DNR) and recalculated on an annual basis. The percentage set by DNR must cover their administrative costs and ensure the state does not see a revenue loss from current levels. In developing a rent formula, DNR must account for the income of subleases and concessionaires. The new rent formula will be phased in over 2003, so all marinas will be operating under the new rent formula by January 1, 2005.

SHB 1250 goes on to say that by July 1, 2003, and again annually, all marina lessees must submit tax documentation and an income reporting form to the DNR for lease calculation purposes. All income reports are subject to audit and review. If a marina fails to submit appropriate documentation, DNR may conduct an audit at the marina's expense or cancel the lease. The minimum amount for a marina lease is set at \$500, plus any administrative costs. This is the market value approach Assessors had hoped for!

The substitute bill passed out of House Agriculture & Natural Resources

and is currently in House Appropriations. Call, email or write any and all members of Appropriations and encourage them to pass out **SHB 1250**. We should also thank Representative Eickmeyer for his support in correcting this legislation.

Supplemental Budget Movement Slows

Over the last few weeks the early movement of the Supplemental Operating Budget through the House and Senate was a positive sign. In recent years, delays in passing a supplemental have sometimes resulted in operating problems for state government and local governments. For instance, when matches for FEMA grants or payments for forest fire response were delayed, some agency budgets were thrown into crisis. The fact that both houses could move relatively early in the session to resolve this issue was viewed a positive sign about the eventual resolution of the biennial budget. Unfortunately movement has hit what many hope is a temporary glitch over the remaining items in dispute and some of the issues at stake in the biennial budget. One of the high profile issues that some members would like to attach to the Supplemental is funding for homecare worker's salary increases negotiated under the home care initiative. Other issues in dispute include some of the cost cutting measures which are advocated by one chamber, but not the other.

Assessor Interest Bills Set for Hearings Next Week

House Finance will hold a public hearing on March 4 at 1:30 p.m. on **HB 1281**, promoting economic development and community revitalization and **HB 2098** providing financial assistance to counties and cities. **HB 1281** is the TIF/Edge proposal and **HB 2098** is the Tri-Association funding package. This hearing will be broadcast live on TVW. Also scheduled to be heard in Finance on March 6 at 8:00 a.m. are **HB 1905**, providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations, and **HB 2001**, providing

property tax exemptions for nonprofits organizations supporting artists.

On March 3 at 6:00 p.m., the House Technology, Telecommunications & Energy Committee will hear **HB 2146** providing tax incentives for wood biomass fuel production, distribution, and sale. Assessors should take a look at this legislation, particularly Section 9 with allows for a six year exemption for all buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of wood biomass fuel, the land upon which this property is located, and land that is reasonably necessary in the manufacturing of wood biomass fuel or the addition to an existing facility. In the House Education Committee March 3 at 1:30 p.m. a public hearing will be held on **HB 1714** changing school levy lid provisions for levies submitted to the voters after 2003; **HB 1901** changing school districts' maximum levy percentages; and **HB 2079** changing school levy provisions will all be heard.

At 1:30 p.m. on March 4, House Trade & Economic Development will hear testimony on **HB 1751** providing tax incentives to support the state's semiconductor cluster. Also, Senate Parks, Fish & Wildlife Committee will hear **SB 5865** which would include recreation facilities under certain public facilities districts' authority.

March 5 at 8:00 a.m. in the House Capital Budget Committee, **HB 1212** & **HJR 4203** providing for a simple majority of voters voting to authorize school district bond measures will be heard.

Of Interest to Auditors

HB 1566, allowing county auditors to retain original claims electronically, was passed out of committee on Wednesday and is on its way to House Rules Committee. Representative Alexander is the prime sponsor of the bill.

Budget, Finance, and Taxes (continued)

County Treasurers

SHB 1564, the county treasurers' cleanup bill, passed out of the House Local Government Committee, flew out of the Rules Committee, and is now on the House calendar. County treasurers: please call your representatives and ask for a yes vote (with the Representative Alexander amendment). Treasurers have been communicating about this amendment to RCW 36.29.190, regarding acceptance of credit cards for the past week, as well as Representative Alexander's originally proposed amendment concerning credit card payments to **HB 1578**, which increases the fees for vital records. Language has been negotiated on both bills and problems seem to have been worked out.

Other bills already amended and sent on their way by legislative chair Rose Bowman, Lewis County Treasurer, are **HB 1069**, expanding interest and penalty waivers on delinquent property taxes, and **HB 1086**, mobile home moving permits. Both have passed the House and are have been assigned to Senate committees.

HB 2006, nuisance abatement powers, gives the county legislative authority the power to declare by ordinance what shall be deemed nuisances within the county. The cost of preventing, removing or abating such nuisances would be charged back to the parties creating the nuisances and would become a lien on the property equal to property taxes. This came from the county legislative authority in Spokane County which was concerned that they did not have the same authority as the cities in this area. The treasurers, the prime sponsor and WSAC are working on language to work out differences.

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), is scheduled for executive session in the House Finance Committee on Friday.

Liability Bills Pass Out of Committee

The Senate Judiciary Committee voted Thursday to pass out **SSB 5728**, the so-called omnibus tort reform bill.

The 5-3 bipartisan vote was on a substitute bill that reforms joint and several liability, limits medical malpractice damages, caps at \$1 million damages related to governmental activities, allows evidence of seat belt usage, limits liability for probation supervision, limits liability for employer reference checks, and cuts the tort judgment interest rate.

The committee considered more than a dozen possible amendments but adopted only three. Amendments that passed the committee eliminated a proposal to limit how much attorneys could charge for their services in civil cases, eliminated a proposed stricter standard of proof in medical malpractice cases, and added an affirmative defense for construction companies for damage that results from building codes rather than a builder's mistake.

Meanwhile, the House Judiciary Committee passed **SHB 1274**, to limit the tort judgment interest rate. The substitute bill, which was approved 8-1, indexes the post-judgment interest rate to four percentage points above the Treasury bill rate, from the current rate which is the higher of 12 percent or four points above the 26-week Treasury bill rate. The original bill proposed two points above T-bills.

Committee Approves District Court Bills

The House Judiciary Committee this week passed two bills that help adjust district court staffing to reflect changing caseloads.

HB1822 establishes an objective process for changing the number of district court judges in a county and provides that a vacancy in a position shall remain vacant if the number of remaining judges in the county is equal to or greater than the number of judge positions authorized in statute for that county. Current law requires filling the vacancy through the end of the elective term, even if the Administrative Office

of the Courts (AOC) has determined through an objective analysis that fewer positions are required to handle the caseload.

HB1805, following an objective workload analysis by the AOC, recommends that the Legislature reduce the number of authorized district court judge positions in King County from 26 to 21.

Other Court Related Bills

SHB 1571, child support payments, passed out of the House Juvenile Justice and Family Law Committee yesterday with an amendment favored by county clerks. The amendment provides that the 20% deduction from inmate gross wages for the payment of court-ordered legal financial obligations stands with an additional 15% deduction for the payment of child support obligations. Originally, the 20% was to be split between LFOs and support obligations. Many thanks to Representative Janea Holmquist for her great response to the county clerks and the efforts of Grant County Clerk Ken Kunes.

HB 1571 and **SB 5592**, garnishments, are both on the executive schedule in the respective Judiciary Committees in both houses. Testimony was given for the county clerks expressing their strong sentiment that Superior Courts be excluded when attorneys are allowed to issue writs of garnishment. Both committees appeared receptive and **SB 5592** should be amended to exclude Superior Court. Superior Court was never included in **HB 1571**.

HB 1932, electronic recording of custodial interrogations, was pulled from the House Judiciary schedule for today and appeared to be dead for the session. Both sheriffs and prosecutors had objections to the process and the enormous costs to counties that would result.

Hats Off to The Prosecutors!

Chapter 3 of the Laws of 2003 is the felony murder proposal deemed a priority by prosecuting attorneys. The bill was the first to sail through both houses and was signed by the Governor earlier this month. Their second priority, a voyeurism statute, **SB 5018**, passed out

of the Senate this week. Both bills are also WACO priorities as well. Nice going!

HB 1477, increase in Superior Court filing fees, is still mired in negotiations but is a bill necessary to implement the budget, which excludes it from cutoff dates. Stay tuned.

SB 5083, honoring concealed weapons permits from other states, passed out of the Senate earlier this week.

Other Bills Still Moving:

The following bills are scheduled for executive action by the House Criminal Justice and Corrections Committee today, Friday, February 28, and could pass out of committee:

HB 1514, suspending accrual of interest for financial obligations during total confinements.

HB 1712, revising provision for registration of sex offenders and kidnapping offenders.

HB 1765, revising provisions for inmate labor.

HB 1931, regarding training of law enforcement officers.

HB 1941, providing for financial restitution to sexual assault programs from inmate funds and wages.

HB 1826, trafficking of persons. The WACO "watch list" on Monday will reflect any movement of these bills.

HB 1427, allowing a confession if substantial independent evidence establishes the trustworthiness of the statement, is being heard today in the House Judiciary Committee. The Committee will also take executive action on **HB 1764**, providing limited immunity for pretrial supervision; **HB 1516**, attorney-issued garnishments; and, **HB 1836**, revising (lowering to 4%) the interest rate applied to legal financial obligations.

HB 1393, expanding the first time offender waiver, will be heard in the House Appropriations Committee, on Monday at 3:30 p.m.

SHB 1218 and **SB 5269** both allow sheriffs and police chiefs to develop building mapping systems. The county assessors have proposed amendments to the bills that will eliminate any misinterpretation regarding GIS standards. WACPC has agreed to the

Courts, Law and Justice (continued)

changes. **SHB 1218** is on the House Calendar for second reading. **SSB 5269** is the Senate Rules Committee.

HB 2060, certification of bail bond recovery agents, will be heard in the House Commerce and Labor Committee on Monday at 1:30 p.m. The bill provides that bail bond agents will certify the recovery agents based on standards they develop with law enforcement and the Department of Licensing. It provides that operating without the certification is a gross misdemeanor.

The Senate Passes Out of Committee a Revised Bill to Consolidate CRAB and TIB.

The Senate Highways and Transportation Committee, in Executive Session, passed **SSB 5527** revising the Governor's proposal to consolidate the Transportation Improvement Board, County Road Administration Board, and the Freight Mobility Strategic Investment Board. The substitute bill creates the Local Boards Coordinating Committee with two representatives from TIB, two CRAB representatives and the Secretary of Transportation. The Coordinating Committee would have the responsibility to "ensure that projects, funding, and programs currently in process are not adversely affected; and identify and pursue innovations that may emerge through the transition process." The TIB and CRAB Boards remain intact with support being provided by the existing staff of both current agencies. The Governor would appoint the first Executive Director who would lead the combined agency effective July 1, 2003. The bill requires a plan to be submitted to legislature for reorganization and merger of the staff at a common location.

Commute Trip Reduction

The Senate Highways and Transportation Committee, in Executive Session, passed **SB 5340**, the Governor's request legislation making the commute trip reduction program voluntary. The bill would retain the goals and objectives for the CTR Program; it just makes the program voluntary. The committee chair believes that counties will still continue the program without any financial support from the state. WSAC staff had asked the committee, in testimony, to repeal the statute if the legislature wasn't going to fund the program.

Involving Legislators in Transportation Planning

The Senate passed **ESB 5245** this week. The bill would allow legislators to become ex-officio, non-voting policy board members of regional transportation organizations. The bill was amended on the floor to require an RTPO that adjoins another state to obtain a majority vote of the Washington

residents before a matter can be adopted.

Another Transportation Governance Bill is Introduced

SB 5987 was introduced, with bipartisan support, in the Senate this week. The bill retains the transportation commission and the DOT secretary is still appointed by the commission. The commission will recommend transportation policy to the legislature for their adoption. The bill also directs the legislative transportation committee and the commission to establish joint work groups to work on transportation plans; guidelines for RTPOs; implementing the collective bargaining bill; and designating highways of statewide significance. RTPOs are required to have their transportation plans conform to the statewide plan adopted by the legislature. Finally, the bill requires the commission and other state transportation agencies to adopt comprehensive six-year investment programs.

House Local Government Holds a Work Session on the Shorelines

The recent central GMA Hearings Board decision about Everett's shoreline master program has caused quite a stir within the legislature. There is strong concern about the potential increased costs to local governments to develop new shoreline master programs. This issue has been linked with the Governor's request legislation, **HB 1769**, to implement the shoreline guidelines settlement agreement. Local governments requested the legislature fully fund the development of the new master programs and that the funding be available two years in advance of that requirement. Drafting a bill to provide the certainty that local governments are looking for and the certainty the settlement agreement parties are looking for will be very difficult. The stumbling block is the funding.

Water Bills

Expect to see a number of water bills emerge from the House Agriculture and Natural Resources Committee and the Senate Natural Resources, Energy and Water Committee over the next few days, but don't expect the real negotiations over water issues to really begin until House bills reach the Senate and Senate bills get over to the House. At this stage of the Legislative process, things are pretty much as expected in the world of water – the Senate has focused on agricultural topics and the House on Governor Locke's water package, with its distinctly municipal water flavor this year. Both House and Senate are engaged in watershed planning issues as well and continued funding for watershed plan implementation is likely.

HB 2006 - Nuisance Abatement Powers

Under current law, counties have the authority to abate nuisances that are a threat to public health, or that arise from unsafe buildings, junk cars, or noxious weeds. **HB 2006**, introduced by Representative Schindler, would

authorize counties to create, by ordinance, a local definition of "nuisance", which might go beyond these limits. Some prosecutors have expressed support for this expansion of authority. Some of the treasurers, though, are concerned that the enforcement provisions may have unintended consequences, and amendments may be suggested. WSAC is monitoring the bill.

Bill to Create Stakeholder Group for Stormwater Issues

In 1948, Congress, seeking to "restore and maintain the chemical, physical, and biological integrity of the nation's waters", enacted the Clean Water Act. 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, these permits are issued by the state Department of Ecology.

Under Clean Water Act § 402(p), an amendment enacted in 1987, storm sewers are considered 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, such as industrial sites and large or medium-sized population centers, are regulated under Phase I of the process. EPA issued rules for Phase I permittees in 1990. In Washington, four counties and two cities were regulated under Phase I, 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.

Over 100 counties and cities across the state will be regulated under Phase II. Because of the complex legal and technical issues involved in stormwater management, and the many parties who

take an interest, it has been difficult to arrive at a generally acceptable regulatory plan for Phase II communities. However, the § 402 timetable calls for Phase II of the regulatory scheme, covering small discharge sources, to be in place by March of 2003.

Senator Swecker and Representatives McDermott and Schoesler are working on a bill which will create a stakeholder group to examine these issues. The group will include representatives from Phase I and Phase II communities, the Department of Ecology, industry, environmental groups, shellfish growers, and others. The group will report to the legislature in December of 2003.

Public Health and Human Services

Death Investigations

SHB 1223, County coroner jurisdiction, was heard in House Appropriations early this week. Douglas County Sheriff Dan LaRoche testified against the bill on behalf of the Forensic Investigations Council. County coroners, medical examiners and law enforcement have all objected to the broad language in the bill which directs that notice requirements and reporting requirements to Child Protective Services of DSHS are expanded to include all child deaths even if abuse or neglect is not a factor and indicates a new authority for DSHS to initiate death investigations.

HB 1981, establishing a joint task force on child death investigations, will be heard on Monday, March 3, at 1:30 p.m. in the House Children and Family Services Committee. **HB 1981** is sponsored by Representative Mary Lou Dickerson. It provides that a task force of legislators determine if the coroner system should be replaced by a state medical examiner system, if child deaths are being investigated properly and if protocols are being met. The task force is to report back by the end of the year. By way of background, just such a study was conducted several years ago and found little fault with the current system. The Forensic Investigations Council currently has a study underway to determine if a state forensic pathologist would be in order to replace the use of forensic pathology specialists who assisted counties around the state.

HB 1578 and **SB 5545**, electronic death registrations, both Department of Health proposals, are moving. **SHB 1578** is in House Rules and **SB 5545** is in Senate Ways and Means. The county treasurers spotted trouble with acceptance of credit cards by local health districts and were instrumental in a "fix."

Hearings of Interest in Human Services March 3 – 7

This is the final week of hearings before cut-off in both the policy and fiscal committees of the house of origin. Both fiscal committees and a few policy committees have not announced their agendas as yet. Please refer to www.leg.wa.gov/wsladm for the specific agendas closer to the actual date of the

hearing.

Monday, March 3

House Children & Family Services – 1:30 House Hearing Room D

HB 2112 – Providing for funding of programs for family preservation and intervention services.

Senate Ways & Means – 3:30 Senate Hearing Room 4
To Be Announced.

House Appropriations – 3:30 House Hearing Room A

HB 1393 – Expanding the first time offender waiver (to low-level drug dealers)

House Criminal Justice & Corrections – 6:00 House Hearing Room E

HB 2035 – Regarding the sale of ephedrine, pseudoephedrine, or phenylpropanolamine (keeping them behind the counter).

Tuesday, March 4

Senate Children & Family Services & Corrections – 8:00 Senate Hearing Rm 4
To Be Announced.

House Health Care – 8:00 House Hearing Room B

HB 2083 – Establishing emergency service requirements for hospitals.

House Criminal Justice & Corrections – 10:00 House Hearing Room E

HB 2025 – Revising provisions for detaining persons with mental illness (requiring training for law enforcement in handling persons with DD and/or mental illness).

House Financial Institutions & Insurance – 10:00 House Hearing Room C

HB 2014 – Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use.

Senate Health & Long-Term Care – 1:30 Senate Hearing Room 4

SB 5873 – Regarding the administration and management of services to developmentally disabled individuals.

House Finance – 1:30 House Hearing Room C

HB 2098 – Providing financial assistance to counties and cities.

Senate Ways & Means – 3:30 Senate Hearing Room 4
To Be Announced.

House Children & Family Services – 6:00 House Hearing Room D

HB 2123 – Authorizing collection of support payments for children with developmental disabilities in out-of-home care.

House Commerce & Labor – 6:00 House Hearing Room C

HB 2131 – Implementing the liquor control board's retail business plan (including Sunday sales).

Wednesday, March 5

Senate Children & Family Services & Corrections – 8:00 Senate Hearing Rm 4
To Be Announced.

Senate Health & Long-Term Care – 1:30 Senate Hearing Room 4

SB 5791 – Prohibiting smoking in public places.

House Appropriations – 3:30 House Hearing Room A
To Be Announced.

Thursday, March 6

Senate Ways & Means – 1:30 Senate Hearing Room 4
To Be Announced.

House Appropriations – 3:30 House Hearing Room A
To Be Announced.

Friday, March 7

Senate Ways & Means – 1:30 Senate Hearing Room 4
To Be Announced.

Saturday, March 8

House Appropriations – 9:00 House Hearing Room A
Public Hearing and Executive Session on bills referred to committee (schedule not available until Friday, March 7 in the afternoon)

HB 1868 Heard in House Health Care

HB 1868 would prohibit smoking in public places. The bill would eliminate designated smoking areas in public places. The bill would also eliminate preemption so that local governments could adopt more restrictive ordinances. According to the Centers for Disease Control and Prevention, approximately 45.6 million Americans smoke. Tobacco use has been linked to over 440,000 premature deaths annually. Both California and Delaware have statewide prohibitions on smoking in public places. The Washington Clean Indoor Air Act prohibits smoking in public places, except for certain facilities that may designate smoking areas. The term “public place” applies to buildings or vehicles that are used by and open to the public. This bill would prohibit owners or lessees of facilities that have areas that qualify as a public place from designating a part of the facility as a smoking area.

Secondhand smoke is classified as a Class A Carcinogen, which means it has been proven to cause cancer in humans. There is no safe level of exposure. Workers exposed to secondhand smoke for an eight hour shift inhale the equivalent chemicals as if they smoked ten to twenty cigarettes.

The hearing in the House Health Care Committee drew many, including many youth, who spoke in favor of the bill. Carolyn Edmonds, King County Councilperson and Chair of the King County Board of Health testified in support of the bill on behalf of her Board of Health. Tobacco use is a top priority public health issue in Washington State.

Emergency Management

Public Hearing Set on Proposed E-911 WACs

A public hearing will be held Friday, March 28 at the Radisson SeaTac Hotel, 17001 Pacific Highway South (Highway 99), Seattle, from 10 a.m. to noon, for the adoption of Enhanced 911 Funding Rules in chapter 118-66 Washington Administrative Code (WAC). These rules related to funding for both wireline and wireless E-911 service in the state of Washington.

The Enhanced 911 Advisory Committee recommended approval of the wireless funding rules on January 16. New chapter 118-66 WAC repeals current chapter 118-65 WAC by combining existing enhanced 911 funding rules from chapter 118-65 WAC with new rules for wireless funding in chapter 118-66 WAC as enacted by the 2002 Legislature, Chapter 341, Laws of 2002, in **HB 2595**.

The current chapter 118-65 WAC defines criteria and eligibility of counties to receive assistance from the state enhanced 911 account. **HB 2595** added a statewide excise tax to be collected from wireless telephone users that will fund implementation and operation of wireless enhanced 911 service. New chapter 118-66 WAC defines the criteria and eligibility of counties, radio communications service companies (wireless carriers), and the Washington State Patrol to receive assistance from the state enhanced 911 account for wireline and/or wireless enhanced 911 service.

Written comments may be filed with the State E-911 Office, Building 20, Camp Murray WA 98430-5011, Fax (253) 512-7202, until the close of business on **March 25, 2003**. Oral comments may be made at the public hearing. Should you have any questions or comments please feel free to contact Dave Griffith at d.griffith@emd.wa.gov, or (253) 512-7015.

Elections, Recording and Licensing

Hearing on Monday, March 3, 8:00 P.M.—House State Government Committee:

HB 2026, requiring that absentee ballots be counted daily rather than every third day as provided in RCW 29.62.020. The bill also adds Saturday as an exception to the requirement. This bill is prime sponsored by Representative Hunt.

Hearing on Wednesday, March 5, 1:30 p.m. – Senate Education Committee:

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.

Mason County Auditor Al Brotche was on hand to testify in favor of **HB 1935**, changing prerequisites for county auditors calling special elections, in the House Education Committee, Monday. This bill removes the requirement for a county auditor to determine that an emergency exists in order to call a special election. The measure also removes reference to a repealed statute governing elections regarding school district consolidation proposals and adds school district elections regarding district reorganization to the type of local elections exempt from the November election date rule.

The House State Government Committee heard **HB 1560**, requiring that absentee ballots be back in the county auditor's office no later than 8:00 p.m. on the date of the primary or election, last Friday. Thurston County Auditor Kim Wyman and Clark County Auditor Greg Kimsey, auditors' legislative chair, testified against the bill. This bill is most likely dead this session as the prime sponsor was not interested in seeing it go further.

Since the last report, the House State Government Committee has passed the following bills out of committee:

SHB 1222, establishing certification standards for visually impaired voting technology and systems;

HB 1473 and **HJR 4206**, specifying when vacancies may be filled that occur after the general election;

HB 1669, phasing-in state payment for even-year elections.

The Senate Government Operations and Elections Committee heard **SB 5556**, authorizing instant runoff voting, Tuesday. Kim Wyman was present, but the committee had a full schedule and she did not get a chance to testify to the auditors' concerns about IRV. Also this week, the committee heard **SB 5886**, allowing voters to indicate abstention from voting on any particular office. In executive action, the Government Operations and Elections Committee gave a do pass recommendation to **SB 5747**, requiring the supervisor of elections in charter counties to be an elected position.

On Friday, the Committee's executive session includes **SB 5221**, reorganizing Chapter 29 election laws. This bill will be amended to match the House version, **SSB 1159**.

More updates:

HB 1106, authorizing the Secretary of State to observe county election facilities, is on the House floor calendar.

SHB 1159, the Title 29 reorganization, is in the House Rules Committee.

HB 2127, eliminating the restriction on how many voters can be in one precinct, and **HB 2128**, revising qualifications for and number of precinct committee officers, were both introduced this week. The March 5 deadline is looming for bills to be out of committee, so these bills most likely will not receive a public hearing this session.

SHB 1156, relating to the timely mailing of absentee and mail ballots, passed the House and is in the Senate Government Operations and Elections Committee. This bill was amended to the county auditors' satisfaction and now requires that for absentee ballot requests that are received after the 19th day before an election, the auditor "shall make every effort to mail ballots within one business day, and shall mail the ballots within two business days". Previous language required a one day turn around.

Licensing

HB 1377, staggered vessel licensing still in House Transportation Committee.

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

HB 1139, Evergreen recreation pass is in House Fish, Ecology & Parks Committee.

HB 1142, State parks & recreation funding is in House Fish, Ecology & Parks Committee.

HB 1452, small trailer fees is still in House Transportation Committee.

HB 1293, flat license plates is still in House Transportation Committee.

HB 1224, license plate replacement is 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 is in Senate Ways & Means Committee and has not been scheduled for a hearing.

Recording

COUNTY AUDITORS – Time is of the Essence

HB 1596 increasing the surcharge for the preservation of historical documents from \$2 to \$5 has not been scheduled for Executive Session in House Local Government Committee. **Please contact your committee members and ask them to pass the bill out of committee. The bill must be passed out of committee by March 5th or it is dead.**

The same is true for **SB 5478** increasing the surcharge for the preservation of historical documents from \$2 to \$5. **Please call your members on Senate Government Operations & Elections Committee and urge them to pass the bill!**

SB 5477 requiring the delivery of endorsements by recording officers was **passed** out of Senate Government Operations & Elections Committee on Wednesday and is on its way to Senate Rules Committee. **If you have committee members on Senate Rules please call them and ask them to "pull" the bill.**

HB 1593 requiring the delivery of endorsements by recording officers was amended and **passed** out of House Local Government Committee on Wednesday and is on its way to 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 was **passed** out of House Local Government Committee on Wednesday and is on its way to House Rules Committee. **If you have committee members on House Rules please call them and ask them to “pull” the bill.**

SHB 1081 is still House Appropriation Committee and has not been scheduled for a hearing. Companion bill **SB 5118** is still in Senate Financial Institutions Committee.

Archives Legislation – No Changes from Last Week

HB 1152 revising funding of the archives division is in Senate Govt. Operations & Elections Committee.

SHB 1153 which allows records that were previously confidential to become available to the public 75 years after they are created is in House Rules Committee.

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

Bills That Have Passed Out of the House State Government Committee:

SHB 1093, eliminating rotation of names on ballots. One amendment was adopted changing who determines the random order of names from the “filing officer” to the “county auditor”.

SHB 1094, elections by mail. Two amendments were adopted. The first amendment removes the provision that allows county auditors to exclude those who vote ongoing absentee from the calculation of “active registered voters” when establishing precinct size. The second amendment reinstates current law that allows a county auditor to designate a precinct with fewer than 200 active registered voters as a “mail ballot precinct.” Ongoing absentee voters are not counted in this calculation of 200 voters. A new provision is added that allows a county auditor to designate the

entire county as vote-by-mail.

SHB 1158, voting systems certification. Four amendments were adopted. The first amendment makes the 2006 deadline for using punch card ballots contingent on the state receiving federal funding by January 1, 2005. The second amendment requires the Secretary of State to determine if a voting system accommodates ranked voting. The third amendment corrects a grammatical error. The fourth amendment reinstates the requirement that county auditors train election workers.

SHB 1431, changing primary date to June. The striking amendment was adopted that changes the **primary date to the Wednesday after Labor Day**, moves filing dates back two weeks, moves the date ballots are mailed to service and overseas voters to 36 days before a primary and 30 days before a general to allow 45 days of transit time.

Early Retirement Bills Scheduled for Hearing

HB 1499, authorizing early retirement for public employees' retirement system Plan 1 and Plan 2 members, and **HB 1458**, authorizing retirement incentive programs, have been scheduled for a public hearing in the House Appropriations Committee on Tuesday, March 4, at 3:30 p.m.

One of the Tri-Association bills, **SHB 1669**, phasing-in state payment for even-year elections, has passed out of the House State Government Committee and now resides in the House Appropriations Committee. Unfortunately, that will be the last time it moves this session.

International Building Codes bill moves out of committee

The House Local Government committee, in executive session, passed out **HB 1734**, with two technical amendments. The proponents agreed to the two amendments.

The Senate Land Use Committee held a hearing on the companion bill, **SB 5855**, this week also.

Courthouse Ramblings

Former Chelan County Sheriff **Mike Brickert** underwent a five-hour surgery February 21 at Harborview Medical Center, in Seattle, to repair spinal damage he suffered in a bike accident January 25 on the Island of Diego Garcia, in the Indian Ocean. Mike had been with the Washington Air National Guard since mid-December and was paralyzed from the chest down when he ran headfirst into an ammunition truck. He was flown to Seattle from a hospital in Singapore about two weeks after the accident. It is too early to know whether he will regain any feeling. Ten years ago, Mike's son, David, 27, underwent a similar surgery at the

University of Washington Medical Center after a serious car accident left him paralyzed from the waist down. Two and a half months later, he was walking again. We are hoping for the same results for Mike. Our thoughts and prayers are with him and his family.

Scholarship Fund Grows!

Thanks to the caring and generosity of county officials, WACO and WSAC association employees and other friends, the Washington Counties' Scholarship Fund has grown by over \$1,000. Memorial gifts were received in the names of Arnold Barnes, father of Snohomish County Clerk **Pam Daniels**

and Wendell (Wendy) Wilke, husband of WACO Executive Director **Debbie Wilke**. Both families wish to express their gratitude for the support that everyone has given them and the scholarship fund.

Cutoff Near

Please note:


Wednesday, March 5, is the cutoff date for bills to be out of policy committees. Monday, March 10, is the cutoff for bills to be heard in fiscal committees and Senate Ways and Means and Highways and Transportation Committees. March 19 is the final day for bills to pass out of the house of origin.


Upcoming Events and Training


Are you working on your CPO Certification????

WACO and WSAC members completing the program will be recognized in our first CPO graduation event planned for Fall Conference at SeaTac.

There are several opportunities from now through July for you to build credits toward your certification.


 **Emergency Management Elective Course:** March 20, Airway Heights
March 21, Pasco
April 2, Olympia
April 9, Wenatchee
April 10, Everett

 **Public Meetings Elective Course:** April 16, Colfax
April 17, Wenatchee
April 23, Silverdale
April 24, Chehalis
April 25, Edmonds

 **Decision-making Elective Course:** May 8, Moses Lake
Watch for the course announcement May 15, Puyallup

Additional elective courses to look for in late summer or fall: Communication, Media Relations, Conflict Resolution and Budgeting for Results.

CPO requires at least 4 of the 5 core courses for your Certification, in addition to 16 units of electives. If you missed the first Ethics class offered in January 2002, you will need to take the remaining core courses to be eligible for Certification in September

 **County Government Structure Roles and Responsibilities Core Course:**
March 27, Puyallup or April 3, Spokane

We promise the County Government Structure course will be fun and interesting. Rather than discuss the roles and responsibilities of each elected or appointed office, the course will help you:

- Understand the framework of County government and how you and your role fit within the framework.
- Learn how to build and maintain an effective management team within the county family. The course will also examine methods you can use to enhance a team environment.
- Understand how you spend your time. Time spent in crisis management does not always enhance the image of the county organization in the eyes of the community.
- Learn about tools and techniques to better understand county government and the organizations to increase the effectiveness of your team and system.

Risk Management Core Course: June 5, Renton
June 24, Spokane

If you would like a copy of your transcript, just send an email to dharris@wacounties.org and it will be sent to you.

Calendar of Events

2003 MEETINGS

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
(ACHS) 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
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
CPO Training – County Government
Structure Roles and Responsibilities,
(full day course), Puyallup

April 2
CPO Training – Emergency
Management, Olympia

April 3
CPO Training, County Government
Structure Roles and Responsibilities,
Spokane

April 3 – 4
WSAC Western District Meeting,
WestCoast Hotel, Olympia

April 6-12
National Counties Government Week

April 9
CPO Training, Emergency Management,

Wenatchee

April 10
CPO Training, Emergency Management,
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 23-25
WAPA Spring Training Program,
Tumwater

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
ACHS 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

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

Calendar of Events (continued)

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

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

WCIF/WCIP Insurance Advisory Committee 2004 Renewal Meeting, WCIP Board of Directors, WCIF Board of Trustees --- West Coast 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

