

the Courthouse Journal

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

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Tri-Association PH Funding Bill Work Continues – Health Officials Plead Case to Media

On Tuesday of this week health officers and administrators representing the 35 local health jurisdictions met with the House Health Care Committee to talk about shrinking resources and growing demands for local public health. Health officials talked about the increasing demands on counties whose budgets struggle to respond to soaring criminal justice costs. Restrictions placed on property taxes (the main revenue source for counties) erode the counties' ability to maintain services, let alone respond to increasing demands. The Governor included support for local public health through continued backfill funding in his 2003-05 proposed budget – reflecting a priority placed on public health protection. This funding is at the 2001 level, however, so, in effect, is a loss in purchasing power. These funding pressures are reflected in eroding support for local public health services. Local health jurisdictions are diverting resources away from core public health services such as

TB prevention and response and childhood immunizations to respond to new demands for response to Bioterrorism (including smallpox preparedness) and emerging diseases such as West Nile Virus. Public health needs to be able to respond to any disease equally well regardless of whether it is naturally occurring or an act of terrorism.

Following the presentation to the House Health Care Committee, the health officials met with representatives from the media. Health Officials talked about the importance of a stable and permanent funding source for public health and expressed their strong support for the Tri-Association proposal in **SB 5920** and **HB 2070** calling for a shift of a small portion of the unused state property tax to be dedicated to public health and requiring a statewide vote of the people. Dr. Alonzo Plough, Director of Public Health – Seattle and King County stated that “The cost of inaction is preventable death”. In King County, public

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health spending per person has dropped significantly in the last decade. Similar stories were told by representatives from other local health jurisdictions. The Spokane Regional Health District eliminated or reduced 29 positions this year, diminishing services to children and families, seniors and communicable disease prevention. More reductions are anticipated. Public Health – Seattle and

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

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King County has been forced to cut staffing levels in their TB program, reducing capacity to investigate cases and follow up with patients to ensure that they follow their treatment. In 2002 King County saw the most new cases of TB they had seen in thirty years. Grant reductions in Kittitas County Health Department result in a loss of public health nurses, not only for the grant services provided to the community, but also the public health response capacity in the event of a disease outbreak because grant funded public health nurses provide local health jurisdictions with surge capacity when a disease event occurs. To avoid an immediate impact, Kittitas County Board of Health authorized use of reserve funds to maintain the position in hopes of finding other revenues to support the position long-term. Again, these stories are repeated throughout the state.

Since the Tri-Association's initial funding proposal resulting in **SB 5920** and **HB 2070** was developed, updated revenue projections, at \$0.25/\$1000 assessed valuation, would generate more revenue than originally anticipated. To respond to concerns about the additional revenue, an amendment has been drafted to scale back the property tax proposal for public health funding from \$0.25/\$1000 of assessed valuation to what we are now recommending - \$0.195/\$1000 of assessed valuation. At this lower amount, the proposal still provides relief to counties and cities, eliminates the portion of the revenue that would have gone to the Health Services Account, still provides relief to the state through the backfill, and provides some overall increase to local public health jurisdictions to respond to increasing public health responsibilities and demands.

Opposition to the Tri-Association proposal surfaced from the Superintendent of Public Instruction, Terry Bergeson. She testified in opposition to **SB 5920** at a hearing in front of Senate Ways and Means. She has recently announced her proposal for use of the unused state property tax for schools. Her proposal would levy the entire statutory property tax rate of \$3.60 exclusively for schools. The

additional \$1.07 of currently unused state tax capacity would raise over \$1 billion which would be used to fund I-732 which provides for annual salary increased for teachers. It would also fund I-728 increases by \$30 per student each school year in the upcoming biennium and each year thereafter until funding reached \$450 per student for I-728. It would set aside \$185 million in a rainy-day fund for schools. It would also restore many of the Governor's proposed reductions.

Superintendent Bergeson believes that this tax can be enacted with a simple majority of the Legislature and would not require a vote of the people. Reaction to the education proposal is guarded. Concerns about the size of the tax have been expressed by some legislators. Clearly if it gains momentum, it would eliminate the state property tax as a source of funding for public health and the corresponding relief that provides for county current expense funds. But this session is a long way from being over!

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

Tri-Association Funding Source Bill in House Rules

SHB 1518 would allow voters to approve an increased growth rate for the 1% property tax limit for up to six years. Taxing districts, including the county may ask voters to approve a lid lift that sets the growth rate for the property tax levy limit calculation for up to six years. The growth rate may be fixed, variable or linked to an index, such as the consumer price index. Districts may use the property tax amount at the end of the lid lift period as the base for future calculations of the 1% limit.

Since the bill has a Minority Report, it may not move out of the House Rules Committee. Our members should contact their legislators and ask that the bill be pulled from Rules for a floor vote!

Local Option Revenue Bill Faces New Deadlines and Search for Consensus

Thanks to the extraordinary efforts of friends of local government (including the prime sponsor, Representative Bill Grant and Speaker Frank Chopp), the Tri-Association local option tax bill **SHB 2098** moved into the House Rules Committee before the deadline for committee action in the house of origin. The bill moved out of committee as a "title only" bill on a straight party-line vote. In the same meeting, various combinations of committee members voted for bills to provide new tax exemptions and to impose changes on cities' B & O tax powers. The estimated loss to cities from the B & O changes alone would total \$27 million.

As the *Courthouse Journal* went to press, Tri-Association lobbyists and leaders looked for a way to reshape the local option package into a form that would garner the legislative support needed to allow the bill to keep moving. In its original form, the bill contained a wide range of local option taxes as well as an appropriation to assist the hardest hit former equalization counties and cities.

Hotel/Motel Tax Bill Would Usurp Powers of Local Officials

As reported in last week's *Courthouse Journal*, **SSB 5668** would severely restrict the power of local officials to make decisions about the use of hotel/motel taxes. The current lodging tax advisory committees would be mandatory for all jurisdictions collecting more than \$5,000 per year in lodging tax would be required to establish an advisory committee. County commissions and councils would be restricted to accepting or rejecting the board's proposals. This is a significant shift in legislative authority from elected officials to an appointed board. The bill is in Senate Rules and poised to move to the floor. Members need to call their Senators and oppose this bill if they wish to retain their full budget authority over hotel/motel taxes.

West Nile on Your Agenda? MRSC Provides a Guide to Mosquito Districts

As spring approaches, many county officials are thinking about mosquitoes. Some of them are also thinking about mosquito control districts. MRSC's web page now has a handy page to let you know all there is to know about forming a mosquito control district. While this may not help you this year, it's time to take a look at this tool for your county. You can find the MRSC page at: www.mrsc.org/subjects/governance/spd/mosquito.aspx

Pierce County Local Option Revenue Bills Alive in Both Houses

The House and Senate versions (**SHB 1756 and SSB 5659**) of the local revenue package backed by Pierce County and its cities are in the Rules Committees. In both houses, members rejected efforts by two small Pierce County cities to eliminate the revenue equalizing features of the city distribution formula in the bill. The formula distributes 40% of any sales tax raised using the bill to cities based on

their population. The two cities wanted the city revenue to be distributed based on taxable sales. The 0.3% voter approved local option sales tax in the bill would be available to all counties with a population of under a million and their cities.

Bill Watch Lists Available on Website

Check out the WSAC website for lists of bills to watch. We currently have lists of bills on early retirement, taxes, mandates, the Tri-Association and general fiscal and administrative issues. While much of our energy this year has been focused on a pro-active legislative agenda, we still have a lot of work to do on the defensive front. We know many of you make a point of talking to your legislators on a regular basis, so check out the lists at:

www.wacounties.org/wsac/Hotissues/Tracking_lists/tracking_lists.htm

Bills of Interest to Assessors

Good News! SHB 1250 a bill that would determine annual rental rates for the lease of state-owned aquatic lands for qualifying marinas passed the House floor on March 13. The vote was 94 yeas, 2 nays, 2 absent. Congratulations to all the assessors who contacted their members on this issue. It worked! The bill establishes the rent formula as a percentage of a marina's gross revenues, as set by the Department of Natural Resources. It disconnects the rent from the upland parcel and uses a market value approach. The Senate companion bill, **SB 5041**, would still use the upland parcel value, and is currently in Senate Rules.

SB 5034 is the only senior bill that survived and also passed the Senate floor yesterday, March 13. The vote was 43 yeas, 6 nays. This bill would increase the income eligibility for the deferral program to \$40,000. The partial exemption for seniors would also increase to \$35,000 from \$30,000. The exemption would increase to \$30,000 from \$25,000 and exempt all excess levies and regular levies on the greater of

Budget, Finance, and Taxes (continued)

\$50,000 or 35% of assessed valuation with a \$70,000 maximum. If the income level is \$25,000 or less, all excess levies would be exempted and regular levies on the greater of \$60,000 or 60% of assessed value would be exempt.

Disposable income is defined as the sum of federally defined adjusted gross income and the following, if not already included: capital gains; deductions for loss; depreciation; pensions and annuities; military pay and benefits; veterans' benefits except attendant-care and medical-aid payments; Social Security and federal railroad retirement benefits; dividends; and interest income. Payments for the care of either spouse received in the home or in a nursing home and payments for prescription drugs are deducted in determining disposable income.

HB 1677 the Farm Bureau bill relating to authorizing a county to exempt certain property used in agriculture from county levies is currently in House Rules. The bill would give counties the discretionary authority to exempt a farmer's machinery and equipment from the county's property tax. Once the personal property is exempted, the county could not begin taxing the property at a later date. The Senate companion bill, **SB 5640**, is still in Ways & Means.

SHB 1278 the personal property electronic filing bill is in House Rules. Please contact your members regarding this legislation as it may have a House Floor vote soon.

County Treasurers

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), passed the House and has been referred to the Senate Ways and Means Committee.

Sunday Liquor Sales a Possibility

The Senate Ways and Means Committee passed **SSB 5982** permitting Sunday sales at a limited number of state liquor outlets. The bill would also allow liquor outlets to advertise their location, hours or changes in hours. Contract vendors (very common in rural areas) would be permitted, but not required to open on Sunday. No more than ten state owned stores would be permitted to open on Sunday so that some of the claim of opponents about costs and other problems could be evaluated. The fiscal impact of the bill has been the source of some controversy. The Liquor Control Board thinks that the cost of expanded hours will exceed the increase in revenue. Advocates from the liquor industry and some supporters of the bill think that it will result in revenues in excess of the costs. If the costs exceed the revenues, revenue distributions to counties and cities would be reduced. If the proponents are correct, distributions would increase.

SHB Bill 2006 – Nuisance Abatement

SHB 2006 would authorize counties to create, by ordinance, a local definition of "nuisance", and to enforce their nuisance ordinances with prioritized liens. A number of prosecutors have expressed support for this expansion of authority. Earlier concerns about lien enforcement have been resolved.

The bill was introduced in response to a request from Spokane County, and was amended in committee to apply only to Spokane County. WSAC and WACO supports the bill in its original, statewide form.

Death Investigations

SHB 1223, coroner jurisdiction, and **SHB 1981**, death investigations task force, remain in the House Rules Committee. If “pulled” out of Rules, they will be voted on by every member of the House. Now is the time to contact your Representatives and let them know what you think.

HB 1578, death certificate fee increase to fund a web-based registration system, is in House Rules. Its companion bill **SB 5545** died in the Senate Ways and Means Committee when it failed to pass the cutoff.

SB 5924, concerning certain laboratory reports, is in the Senate Rules Committee. County coroners and medical examiners should call their Senators on Rules to urge them to pull **SB 5924**. The bill clarifies that all requests for test results in death investigations and impaired driver cases must be made to the agency who submitted the material for testing and not to the State Toxicology Laboratory.

Superior Court Fees

The hearing in House Judiciary this week on **HB 1744**, a WACO priority to increase filing fees, was actually a hearing on a proposed substitute sponsored by Representative Pat Lantz, chair of the committee. The substitute bill is undoubtedly the version that will move out of the committee. The substitute directs that all of the state’s share of the \$90 increase to a “civil equal justice account,” a new dedicated account to fund civil indigent legal representation. The state share is estimated at \$3.9 million.

WACO members and county clerks have held that the traditional distribution to the Public Safety and Education Account (PSEA) in **HB 1744** is logical since counties depend on so many of the services funded by PSEA, including the Criminal Justice Training Commission, the WSP Crime Laboratory, crime victims, and civil indigent legal representation. Proponents of the substitute argue that PSEA will not be cut. **HB 1744** supporters argue that neither will it increase to keep up with

the increasing demands for law enforcement training, laboratory testing and assistance to victims.

The civil equal justice proposal, **SB 5846**, died in the Senate without a hearing. At this time, **HB 1744** is the only vehicle to pass the fee increase. Offers by WACO and law enforcement to share the increase were refused by the civil equal justice interests. On hand to testify for the original bill were WACO President Greg Zempel, Skamania County Clerk Rena Hollis, Snohomish County Clerk Pam Daniels, Chelan County Clerk Siri Woods, and King County Clerk Barb Miner. WASPC Executive Director Larry Erickson was on hand to defend law enforcement’s interest in the PSEA Account.

Despite all efforts from WACO, **HB 1744** will undoubtedly fly out of committee in the substitute form and will likely pass the House. The real test will be getting a hearing in the Senate.

For Sheriffs:

ESHB 1218, creating a building mapping information system, will be heard in Senate Judiciary on Thursday, March 20, at 8:00 a.m. Although county assessors and sheriffs agreed on the language of the substitute bill, the engrossed substitute has some language of concern. Discussions between WACO and WASPC will continue.

The House Criminal Justice and Corrections Committee will hear **SSB 5165**, regulating vehicular pursuit, and **ESSB 5631**, trafficking in persons, on Friday, March 21, at 8:00 a.m. The Committee may be hearing other Senate bills as well so watch the daily schedule for additions.

SSB 5270, law enforcement mobilization, is still in the Senate Rules Committee. **SB 5411**, Nonpartisan sheriffs, is on the Senate Floor Calendar and ready to be voted out of the Senate and off to the House.

Of interest to Prosecuting Attorneys:

SSB 5627, allowing confessions and other admissions to be admitted into evidence if substantial independent

evidence exists, is set for hearing in the House Judiciary Committee on Thursday, March 20, at 8:00 a.m. along with **SSB 5396**, enforcing conditions in deferred prosecutions, and **SB 5570**, expanding the crime of communicating with a minor for immoral purposes.

ESHB 1001, revising voyeurism laws, will be heard by the Senate Judiciary Committee on Friday, March 21, at 8:00 a.m.

SSB 5251, foreign judgments, is still lingering in the Senate Rules Committee. It must be pulled from Rules and passed out of the Senate by March 19. County Clerks are urged to contact their members on Rules and all Senators to ask them to move **SSB 5251**.

SSB 6002, legal financial obligations, is in the Senate Rules Committee. **SSB 6002** is the bill county clerks developed to allow them to assume collection duties of the Department of Corrections.

Senate Passes Jail Non-Liability Bill

The state Senate voted 49-0 this week to pass **SB 5673**, which provides that a jail, its personnel and the governing jurisdiction are not civilly liable for acts of former inmates who have been released from jail pursuant to a court order.

In two separate lawsuits against King County in the past three years, courts have held that a governmental entity operating a jail can be found civilly liable for the subsequent violent act of a former inmate, committed in the community after the inmate was lawfully released from jail. **SB 5673** clarifies that government cannot be liable in these situations.

Now is the time for county officials to contact House members seeking their support of this bill. It has not yet been scheduled for committee hearing in the House, and could be referred to either the committee on Criminal Justice and Corrections or the committee on Judiciary.

Transportation and Public Works

The legislature has been on the floor this week, and this update summarizes the key bills that have passed as of this week. The legislature has until March 19 to pass bills out of the original house.

SSB 5248, requires counties and cities to provide to the Transportation Commission a lowest life cycle cost preservation management plan/assets inventory. CRAB must develop county maintenance standards.

SB 5646, eliminates the requirement for passenger-only ferry service operators to apply for the 10-mile waiver to provide service. WSDOT must make its terminal, dock and pier space available to operators of passenger-only ferries if such use doesn't impact the operation of auto ferries.

SB 5769, clarifies the regional transportation investment district's ability to issue bonds. This bill is being requested by the RTID.

SSB 5850, would allow Kitsap Transit to operate a passenger only ferry service. They must create a public benefit transportation district; have voter approval for the revenue sources and allow the system to use, rent or purchase the vessels and related properties. Kitsap Transit is requesting this bill.

Consolidation of CRAB and TIB

The letter writing campaign from the county courthouses to the Senate Rules committee is working. The bill is still in the Senate Rules committee. Keep expressing your opposition to your Senator and Representatives.

Statewide Revenue Package Conversation Slows Down

Apparently the negotiations to reach a deal on a new revenue package has hit a chuckhole. The House is very interested in ensuring that new revenue also includes flexible funding to fund transit and other choices. The Senate

Committee chair hasn't been very interested in flexible funding. The Chair has consistently said that he wants to build projects. Time will tell where they end up. We need to pay very close attention so that negotiations don't include other ideas to leverage the conversations that may adversely impact counties.

SHB Bill 2006 – Nuisance Abatement

SHB 2006 would authorize counties to create, by ordinance, a local definition of “nuisance”, and to enforce their nuisance ordinances with prioritized liens. A number of prosecutors have expressed support for this expansion of authority. Earlier concerns about lien enforcement have been resolved.

The bill was introduced in response to a request from Spokane County, and was amended in committee to apply only to Spokane County. WSAC and WACO supports the bill in its original, statewide form.

Exempt Wells for Clustered Development

HB 2067 is in Rules, and was placed on second reading on March 11. The bill would create a new type of exempt well, for residential use in clustered developments where the overall density is at or below one house per ten acres. The proposed exempt use is limited to 1200 gallons per day per residence.

Substitute Senate Bill 5518

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

Conservation Futures Bill Still in Rules

SHB 1411 was not passed out of Finance before cutoff. The very similar **SSB 5140** remains in Rules. If passed, **SSB 5140** will increase the maximum levy rate for conservation futures to ten cents per thousand, and make twenty-five percent of the revenue available for maintenance and operations.

Water Update

At least one version of all of the bills in Governor Locke’s water package survived in the Legislature as of Thursday and many more water bills remain as well. Both the House and Senate have bills addressing the following topics.

Watershed Planning

SHB 1336 and **SSB 5027** both provide watershed planning units authority for phase four implementation. They allow planning units to apply for grants of up to \$100,000 per WRIA for each of the first three years of phase four implementation (and up to an additional \$25,000 per year per additional WRIA); up to \$50,000 per WRIA for years four and five (and up to an additional \$12,500 per year per additional WRIA). A local match of 10 percent is required. Ongoing funding is conditioned upon the Department of Ecology’s receipt of a sufficiently detailed implementation plan by the end of the first year. Both bills urge coordination with salmon recovery efforts.

In addition, **SSB 5027**, which has passed the Senate, provides the ability for state agencies to implement an adopted plan by policy, procedure, or agreement with planning unit consent. It also allows for a county to opt out of watershed planning and plan adoption hearings. A county that opts out is not bound by watershed plan obligations.

Under **SSB 5027**, if Ecology participated in the planning process, the watershed plan is deemed to satisfy the department’s watershed planning authority for components addressed. The department must rely upon the plan, which is deemed a primary consideration in determining the public interest related to watershed planning. Also, departmental modification of an adopted watershed plan is subject to a negotiated rule-making process conducted among local residents and the planning unit members, to the extent practicable.

SHB 1336 is on the House Calendar, and includes a variety of additional provisions, including greater flexibility in the use of municipal water rights for

watershed plans that contain strategies for meeting water needs for agriculture, people and instream flows. It also allows for development of local watershed plans, through a similar non-HB 2514 process and provides for involvement of planning units in TMDL development if they choose.

Municipal Water Rights

Both **SHB 1338** and **SSB 5024** allow municipal water suppliers to exercise water rights for future growth. **SSB 5024** provides full and immediate flexibility to municipal utilities. **SHB 1338** requires conservation, consideration of water reuse and directs the Department of Health to write new water conservation rules.

Trust Water Rights

Both **SHB 1317** and **SSB 5125** rewrite and clarify the various trust water rights programs. Both remain in Rules.

Stockwatering

HB 2116, in Rules and **SSB 5077**, which has passed the Senate, both clarify use of the groundwater exemption for stockwatering withdrawals.

Groundwater Exemption for Domestic Use

HB 2067 allows residential cluster development using groundwater without acquiring a water right. It has passed the House. **SSB 5145** allows exempt withdrawals for any residential development, regardless of size of the project. It is in Senate Rules.

Wells

SHB 1337 and **SSB 5023** both provide greater flexibility for new replacement wells or additional wells. Currently existing or back-up wells may be substituted for or added to wells at the original permitted location.

Other Topics

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

Environment, Land Use and Resources (continued)

SB 5025 eliminates the “use it or lose it” doctrine of Western Water Law. As of the effective date of the bill, the Department of Ecology’s authority to issue orders of reversion or forfeiture is removed.

SSB 5028 addresses the relationship between water quantity and water quality. In *Public Util. Dist. No. 1 v. Department of Ecology*, 146 Wn.2d 778 (2002), the Washington Supreme Court ruled that the Department of Ecology (DOE) might impose bypass flow conditions in a water quality certification regardless of whether the applicant had existing water rights, including withdrawal or diversion rights, that might be affected.

A recent proceeding raised the issue of whether DOE may, through an enforcement order, impose similar restrictions upon a water right based upon a claim that a water right holder violated state water pollution control law by causing insufficient instream flow in rivers from which the holder diverted water.

The bill would clarify that exercise of any water right claim, permit, or certificate granted under state law to withdraw or divert water does not constitute “pollution” under state water pollution control law administered by DOE. DOE may not rely on state water pollution control law it administers to condition, limit, regulate or control any claim, permit or certificate to withdraw or divert water.

SSB 5087, establishes two publicly elected water commissioners to administer water law for Eastern Washington and Western Washington. It is in Senate Rules.

Stormwater Legislation Moves Forward in House and Senate

As of this writing, the municipal stormwater permit legislation, **SHB 1689** and **SSB 5645**, remain in Rules with the promise of revision over the weekend and floor action before March 20. **SHB 2088** would require local stormwater programs to provide a 10

percent rate reduction for property owners with a rainwater collection system and limit fees and charges on commercial timber land. It has passed the House.

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The legislature has been on the floor this week; this update summarizes the key bills that have passed as of this week. The legislature has until March 19 to pass bills out of the original house.

SSB 5022 allows a county to amend their comprehensive plan at least twice a year. This bill has been requested by Chelan County.

SB 5282 eliminates the growth management hearings board. All appeals of local government decisions would be in Superior Court. WSAC is supporting this bill.

SB 5307 requires cities and counties to issue building permits within a certain period. Current law requires us to issue permits within 180 days. This bill is being opposed because it creates another unfunded mandate.

SB 5602 requires counties and cities to ensure at the next update to provide a sufficient capacity of land suitable for development within their jurisdiction to accommodate their allocated housing and employment growth. The Realtors have requested this bill. **HB 1608** is the House companion.

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

SHB 1707 allows local governments to make infill developments complying with the GMA comprehensive plans categorically exempt from SEPA under certain circumstances. It also requires local governments to determine that the

analysis, review and mitigation of adverse environmental impacts in GMA comprehensive plans and development regulations satisfy SEPA’s procedural requirements for a development project if certain conditions are met.

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

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

Shoreline Management Act Update

We are continuing to work on two key shoreline issues; the first bill is **HB 1769** which implements the shoreline guideline settlement agreement that several counties signed this fall. The proposed agreement has the following principles: (1) a set schedule would start in 2011, (2) between now and then a voluntary early adopter program would be in place. The program would allow jurisdictions to participate on a first come first serve basis, (3) there would be full funding for a local government to update their master program, (4) if funding isn’t available, the requirement would roll to the next biennium, and (5) Ecology would not be required to update the rules every five years. They would be able to make technical and process updates as a result of a reviewing master programs. A full review would be required in 2015.

The second issue, **HB 1993/SB 5880** attempts to find a fix to the problems from the Central Puget Sound GMA hearing board decision on Everett’s shoreline master program.

Few Human Services Hearings During Week of March 17 – 21

Since most of the action is still on the floor until the March 19, there are only a few hearings of interest in the human services area.

Thursday, March 20

House Judiciary – 8:00 HHR B

SSB 5396, enforcing conditions in deferred prosecutions

SSB 5627, allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement.

House Juvenile Justice & Family Law – 10:00 HHR C

Work Session: Overview of the Indian Child Welfare Act

House Appropriations – 3:30 – HHR A
Agenda not yet available – check the legislature’s website

Senate Ways and Means – 3:30 SHR 4
Work Session: Home care worker collective bargaining agreement

Friday, March 21

Senate Children & Family Services & Corrections – 8:00 SHR 4

To be announced. Check the legislature’s website.

Senate Health & Long-Term Care – 10:00 SHR 4

E2SHB 1214, making prescription drugs more available.

Policy and Fiscal Committee Cut-off Signals Demise of Several Human Services Bills of Interest

Cut-off always means the death of hundreds of bills both bad and good. This year is no different. Despite the massive budget deficit, the two houses combined to introduce 2248 bills – the House 1218 and the Senate 1030, many of them bills with fiscal impacts in terms of new expenditures and/or tax exemptions. Many die in the policy

committees and even more in the fiscal committees. Among those to die in the human services areas that are of interest were:

HB 1272, the Clark County pilot bill to consolidate county human services (the Senate version, **SB 5630**, is expected to die in Senate Rules).

HB 1623/SB 5566, rewriting the DD authorizing statute, RCW 71A – Gov/DSHS version.

HB 1736, amending the guardianship statute for persons with DD.

HB 1804, expanding the 0 – 3 program to everyone who is eligible.

HB 1965, raising the age of consent for minors for outpatient mental health treatment.

HB 1969, expanding the hearsay provisions for persons with DD.

HB 1978, creating an independent mental health ombuds (the Senate version is on the Senate calendar, **SB 5946**).

Other bills too numerous to number that died are all the secure community transition facility (SCTF) bills except **HB 1099** in House Rules and **SB 5550** on the Senate 2 calendar, which added youth camps to the list of risk-potential activities that must be considered before siting; **SB 5047**, Sen. Roach’s bill limiting them to industrial areas, which is in Senate Rules; **SB 5217**, a housekeeping bill that failed last year which is in Senate Rules; and **SB 5991**, which implements the cuts in the Governor’s budget to the staffing ratio and law enforcement presence for the SCTF on McNeil Island also in Senate Rules.

For those who are interested, WSAC is adding bill tracking lists to our website this week. The lists will include both the Leglink list of human services bills (the big list) and the ACHS Bill Tracking List which is more limited but provides more detail on each bill. We will be attempting to keep them updated on at least a weekly basis. As an FYI, the absence of a bill in the human services area means it did not get past the cut-off date or does not apply to county activities in this area. If anyone is

tracking a bill that does not appear and feels it has erroneously been left off, please do not hesitate to contact WSAC staff, Jean Wessman.

Association of County Human Services (ACHS) Meets at Sea-Tac Executel March 19 – 21

ACHS will be meeting Wednesday, March 19 through Friday, March 21 at the Sea-Tac Executel Conference Room 2 at 20717 International Blvd, Sea-Tac (often known as Pacific Highway or Hwy. 99).

The Mental Health Section will meet Wednesday from 9 – 4. Their agenda includes a morning discussion of the work done on the federal waiver renewal, the contract for next biennium and the accompanying changes to the WAC. Following that discussion, the Section will talk about quality review teams, the ready for discharge pilot, legislative issues, and if available, the House budget. Following lunch, the Section will be joined by staff from the Mental Health Division, led by Assistant Director Jack Morris. The two groups will discuss the Telesage contract on consumer satisfaction, the Fairfax Hospital reimbursement plan, the actuarial study, and the current status of the Expanded Community Services program especially as it relates to the geriatric population at the state hospitals.

On Thursday, the Chemical Dependency Section will meet from 9 – 4:30. Leading off the morning will be the customary county roundtable discussion followed by guest, Donald Lachman who will talk about **HB 1255** the increase on the beer tax. Lachman has worked for a number of years on the chronic public inebriate issue especially in King County and with the business community. Later in the morning, the Section will have work group updates including the legislative committee, the treatment completion group, and prevention.

From 11:30 – 12:00, ACHS will hold its business meeting and cross-systems discussion. Included on the agenda are a report from Maryanne Welch, Grays Harbor, on meeting options, an update

Public Health and Human Services (continued)

on the cross systems crisis response work, and the bylaws committee led by Barbara LaBrash, San Juan.

Work group reports will finish up in the early afternoon with information about BARS changes and the quarterly report form. The Division of Alcohol and Substance Abuse (DASA) will join the Section at this time and report on TARGET information system fixes and case management definitions and policies.

On Friday, the Developmental Disabilities Section will meet from 9 – 4. The morning's discussions will include Jane Boone, Thurston's report from the legislature and the advocacy coalition. The Division of Developmental Disabilities' staff will join the Section in the afternoon and cover items including the State Supplemental Payment program, Ticket to Work, the contract amendment, and other items important to the Section.

NOTE: In each Section, either WSAC staff, Jean Wessman, or one of the officers will be opening preliminary discussions about the potential need for additional temporary part-time paid staff assistance to continue the joint work by DSHS and ACHS on an integrated crisis response system in preparation for legislation during the 2005 session. Some of you know that DSHS has assigned Gaye Jensen, Special Assistant to Tim Brown, on a half-time basis to this project. In order to maintain the partnership between state and counties on an equal basis, discussion has begun about hiring a former county coordinator or other qualified person with county experience on a less than half-time basis that can be devoted solely to this project. Jean will attempt to get a draft and very preliminary memo out to the membership before the meetings early next week that covers this item.

Elections, Recording and Licensing

Deceased Licensing Bills

HB 1377, staggered vessel licensing.

HB 1452, small trailer fees.

HB 1293, flat license plates.

HB 1224, license plate replacement.

HB 1381, flat license plates.

HB 1681, driver's license renewals.

HB 2143, small trailer license fees

HB 2149, motor vehicle fees

HB 2167, Heritage license plates

SB 5111, Evergreen recreation pass

SB 5143, Evergreen recreation pass

SB 5330, license plate replacement

SB 5731, service license plates

SB 5863, vehicle license fees

SSB 5775, funding state parks and outdoor recreation imposes an excise tax of .8 percent on motor homes, travel trailers and campers.

NOW IS THE TIME TO ACT - WACO LEGISLATIVE PRIORITY

SSB 5478, increasing the surcharge for the preservation of historical documents from \$2 to \$3 is still in Senate Rules Committee. Please contact the members of the Senate Rules Committee and ask them to pull the bill to the Senate Floor Calendar. The bill has to be out of the House by Wednesday, March 19. The **Companion bill HB 1596**, increasing the surcharge for the preservation of historical documents from \$2 to \$5 died in the House Appropriations Committee by the March 10 cut-off.

SB 5477, requiring the delivery of endorsements by recording officers is on the Senate Floor Calendar. **Please contact your Senators and ask them to vote "yes" on the bill.** Companion bill, **HB 1593** passed the House with 93 yes and 0 no.

HB 1594 clarifying the role of a chief financial officer in a charter county passed the House of Representatives 93 yes, 0 no.

SHB 1081, increasing the recording fee on deeds of trust by \$1 to prosecute real estate fraud passed the House of Representatives 94 yes, 0 no. The Companion bill, **SSB 5118**, died in

Senate Ways & Means Committee.

Archives Legislation

EHB 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 was passed out of committee and is in Senate Govt. Operations & Elections 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.

Elections Hearings Next Week:

House Local Government Committee, 3-20, 1:30 p.m.

SSB 5063, providing for elections for flood control zone district supervisors.

House Local Government Committee 3-21, 1:30 p.m.

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

HB 1935, changing prerequisites for county auditors calling special elections, passed out of the House this week, 91-0 and is on its way to the Senate. Good job, Al!

HB 1093, ballot candidate order, passed the House this week by a vote of 70 yes, 24 no.

SHB 1390, instant runoff voting (IRV) passed out of the House on Wednesday, by a vote of 64 yes, 30, no. The bill, in its current form, creates a five-year pilot project conducted by the Secretary of State to study the use of IRV as a local option for nonpartisan offices in charter cities. It is presumed that the pilot project will be held in Vancouver, as the measure requires a city charter amendment authorizing the use of IRV prior to adoption of the method by the

legislative body of a city. Voters in the City of Vancouver have already given the City Council authority to use IRV.

SB 5153, establishing a procedure for the election of county commissioners by district, passed out of the Senate by a vote of 25 yes, 24 no.

SSB 5218, a Secretary of State request bill, requiring timely mailing of ballots, has passed the Senate by a vote of 46 yes, 3 no.

NACo Offers HIPAA Forum

The Healthcare Insurance Portability and Accountability Act (HIPAA) will go into effect on April 14, 2003. HIPAA affects how every county handles healthcare information within its departments and agencies. NACo has developed a training forum for county representatives to assist in the implementation of the changes needed. The training is being offered April 3-4, 2003 in Sacramento, California. Agencies most likely to be impacted by HIPAA include, but are not limited to: Civil/Family Court, Veterans Affairs, Correctional Centers, Emergency Services, Public Health (including Environmental Health), Nursing Services, Behavioral Health, Child, Youth and Family Services, Drug and Alcohol Services, Health Services Administration, Maternal and Child Health, Computing and Information Services, Administrative and Support Services, Departments of Health, Information Systems, Human Services, Facilities Management, Aging Services, Human Resources, Juvenile Home, Finance, Coroner/Medical Examiners, Paratransit, Security, Mental Health.

If you are interested in attending or having staff attend this forum, information and a registration form are attached to this *Courthouse Journal*.

Early Retirement Bills

HB 1499, authorizing early retirement for public employees' retirement system Plan 1 and Plan 2 members did not pass out of the House Appropriations Committee by the Monday cutoff and is dead. Early retirement bills still alive are **SHB 1458**, which permits public employers experiencing reductions in workforce to offer retirement incentive programs, and **SHB 2180**, which allows members of PERS I and II to retire within a certain window of time and elect to withdraw their employee contributions in a lump sum and receive a reduced monthly benefit.

Correction to WSAC Eastern District Registration

The cost for the Guest/Spouse Meal for the Thursday evening (April 10, 2003) event is \$40, not \$45 as printed on the registration form. The cost will include a jet boat ride up the Snake River to the petroglyph site, followed by a barbecue back in Clarkston. We look forward to seeing you there. Any questions please call Ginni Peppert at WSAC.

Register Now for WSAC District Meetings

The WSAC Western District Meeting is just around the corner. And, the WSAC Eastern District Meeting is right behind!

It is time to register and make your room reservations if you have not already done so.

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

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

Eastern District: The agenda kicks off at 8:30 a.m. April 10 with a special Clarkston welcome, followed by the Legislative Update. Morning sessions on April 3 continue with a presentation by Commissioner Wigen on the “Save Our Dams” effort, followed by Outcome-Based Standards for Public Health. Other sessions that day will take a look back at Growth Management and an assessment of Watershed Planning and Salmon Recovery Efforts. Friday morning, April 11, begins with a Budget Roundtable with commissioners and councilmembers relating your current status and how you plan to meet any ongoing revenue shortfalls. The meeting concludes with the Eastern District business meeting.

Please make hotel reservations with the Quality Inn & Suites, Clarkston at (509) 758-9500. The cut-off date for the guaranteed rate is March 26. 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 26. Questions? Call Ginni Peppert at WSAC.

Calendar of Events

2003 MEETINGS

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

March 20
CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Airway Heights

March 21
CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Pasco

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

April 2
CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Olympia

April 3
CPO Training – County Government Structure Roles and Responsibilities, (full day course), Spokane

April 3 – 4
WSAC Western District Meeting, Red Lion Hotel (Formerly WestCoast), Olympia

April 6-12
National Counties Government Week

April 9
CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Wenatchee

April 10
CPO Training – Emergency Management 101 for Elected Officials (half day elective course, Joint City/County), Everett

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

April 16
WCIF/WCIP ACE Committee Meeting

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

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

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

April 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
Association of County Human Services meeting, Tri-Cities

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

May 29-30
WAPA District Court Training Program, SeaTac

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

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

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

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

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

June 18-20
WAPA Summer Conference, Chelan

June 18-20
Association of Washington Cities (AWC) Annual Conference, Red Lion Grand Hotel at the Park, Spokane

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
Association of County Human Services (ACHS) meeting, Vancouver

July 29-August 23
IACREOT Conference, Denver CO

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

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

September 3-5
WAPA Special Assault Training Program, Leavenworth

September 7-9
WAPA Juvenile Training Program Leavenworth

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

September 17-19
ACHS meeting, Moses Lake

September 18
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)

Attachments

HEALTH TAX MAY GO ON BALLOT

Lawmakers Say Revenue is Badly Needed for Public Disease Control

Saturday, March 8, 2003

by *Phuong Cat Le*

Seattle Post-Intelligencer Reporter

OLYMPIA -- Powerful lawmakers want to put a referendum to voters this fall, asking them to tax themselves to pay for immunizations, disease control and other public health programs.

Senate Bill 5920 would ask voters statewide to raise property taxes 25 cents per \$1,000 assessed value, or \$75 a year for a \$300,000 home, to pay for local public health.

"We've struggled over the years trying to figure out on how to fund it," said Sen. Majority Leader Jim West, R-Spokane, sponsor of the bill, which has bipartisan support.

"This would go to voters with: 'Do you want to pay for public health and, by the way, are you willing to raise your taxes to do it?'"

Dr. Alonzo Plough, director of Public Health Seattle-King County, said: "It's recognition of the absolute crisis in local public health to respond to the issues at hand."

He said new threats of anthrax, smallpox and drug-resistant strains of tuberculosis have put a squeeze on his agency at a time when public health funding is at its lowest.

"When you've had the decline we've had in core funding over the last four or five years, you can't meet the challenges," Plough said.

Rep. Sandra Romero, D-Olympia, is sponsoring a similar measure, House Bill 2070.

"With anything one has to make the case for the needs," Romero said. "I feel the need is there."

If passed, the referendum would raise \$151 million annually for the state's 34

local public health agencies, which are on the front lines of fighting new risks such as the West Nile virus and smallpox.

It would mean a boost of \$13.5 million a year for Public Health Seattle-King County, which immunizes children against mumps and measles, provides nurse visits for low-income mothers, and offers asthma and HIV prevention programs. Seattle-King County now spends about \$14.35 per person on public health, down from \$21.34 six years ago, according to public health figures.

Faced with their own budget woes, local governments are throwing their support behind the measure.

But the proposal would lower the cap on property taxes that the state raises for public schools, so it has drawn opposition from the Washington Education Association and the AFL-CIO.

Washington property owners now pay \$2.64 per \$1,000 assessed value, but the state could levy as much as \$3.60 per \$1,000 assessed value to pay for public schools. State schools Superintendent Terry Bergeson told lawmakers that there are other pressing education needs for which the remaining tax capacity could be used. She pointed to the class-size and teacher-raise initiatives and major cuts to education.

"This is a very major decision," Bergeson testified before the Senate Ways and Means Committee. "I'd urge you to find another revenue source. "West and others pushing the measure say public health needs a stable source of money.

Cities and counties shared responsibility for public health funding until 1993 when the Legislature committed a portion of the motor vehicle excise tax to pay for it.

That source dried up after 1999, when voters approved Initiative 695, which replaced the state's motor vehicle excise

tax with a flat \$30 fee.

That tax had raised about \$26 million for public health. Gov. Gary Locke backfilled about 90 percent of that funding since I-695 passed. His budget for the next two years maintains that funding.

Public health "is clearly not being funded by the federal government," said House Speaker Frank Chopp, D-Seattle.

Of the proposal, Chopp said: "We're considering it. We're supporting it. "If public health money can be raised through a property tax increase, Chopp said it may free up about \$25 million to provide health insurance for the working poor. About 60,000 may lose such coverage under the governor's proposed budget. If a referendum goes to voters and passes, the state could start collecting money next spring. It also establishes annual state-mandated performance measures.

"There's been a continual erosion of funding from the state and local," said Carolyn Edmunds, of the Washington State Association of Counties, who urged legislators to support it. "Some counties have had to cut their budget by as much as 75 percent."

Plough of Public Health Seattle-King County said that if nothing is done this session, his agency could lose half of its funding for core public health programs.

"We need some kind of vehicle to do this," Plough said of raising money for public health. "If this is the best we can get out of the Legislature we'll go with this."