

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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Gloom, Doom, and Maybe Some Room (for Hope):

This was a big week in Olympia. It was the deadline for bills not necessary to implement the budget to get out of the house of origin. It was also the week to update the official state revenue forecast. Legislative transportation budget writers were trying to get a version of their budget moving before the regular operating budget would consume member attention. The usual short tempers were aggravated by anxiety over events in Iraq.

County revenue measures were the focus of significant attention. Champions in each of the four caucuses worked to keep a general local option revenue package alive. In the end, none of the bills officially remained alive past the cutoff. There was talk about amending the cutoff resolution to allow a number of issues or bills, including local revenue measures, to stay alive past the cutoff. It is unclear whether the two chambers could agree to a list of issues or bills.

In one of the more unfortunate incidents of the session, some legislators and environmentalists worked to hold local government revenue bills hostage to force counties to permit local governments to be named as early adopters in the Shorelines Bill. As county officials will recall, WSAC queried its members to see if any county was willing to be named as an early adopter. While many members were willing to proceed with adoption, all were reluctant to be named in statute, because they did not believe funding will be forthcoming. Furthermore some of the counties most willing to proceed with the work were named latest in the bill. This would mean they were unlikely to get funding when it was needed. Some of these same

counties are in the direst financial positions. As the Courthouse Journal went to press for its March 21 edition, no county had agreed to be named in the bill, although many counties continue to support the concepts in the Shorelines legislation. As a whole, WSAC opposes any requirement that counties develop, adopt, implement, and defend new shorelines regulations without full, advance funding from the state. This consensus grows out of the ongoing county financial crisis which has forced many counties across the state to cut human services, close parks, reduce courthouse hours and cut core services such as public health.

The Public Health Funding Bill, **SB 5920**, continues to rest in the Senate Ways and Means Committee. Because it would replace public health funding from the state's endangered Health Services Account, that bill is indeed necessary to implement the budget. The Superintendent of Public Instruction's counter proposal to raise property taxes statewide by \$1.07 per thousand for public schools has not found much legislative support.

Meanwhile, budget writers felt like they were standing in quicksand. The new revenue forecast reduced next biennium's revenues by \$238 million. When this is added to the \$70 million of increased costs from mandatory caseloads, the budget is an additional \$300 million in the hole. This increases the deficit from \$2.5 billion to \$2.8 billion.

It should be noted that the House and Senate continue to offer a prayer at the start of business each day. The silent prayers of many members were not answered this week.

**Tri-Association Package Limpes By; Time to Tell
Your Legislators** (continued on next page)

The Tri-Association joint legislative package included 47 pieces of legislation when originally introduced. The second major cutoff has now passed, and many of those bills have failed to meet the cutoff. While it is too early to determine how successful the Tri-Association has been it is notable that members of the legislature continue to recognize that the package helps counties and cities. And while many members in all four caucuses have become vocal supporters it is still apparent that a lot of work remains.

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Several bills in the areas of regulatory mandates and environmental issues are still alive. Court efficiency bills for both cities and counties also remain alive. And most importantly the Omnibus Civil Liability Reform bill was passed out of the Senate to the House. Most individual liability bills remain in the policy committee.

But none of the bills that would have improved the use of existing revenue are alive. **HB 1518** and **SB 5557**, the so-called levy-lid lift bills and **SB 5557**, expanding uses of the real estate excise tax all died in Rules or the policy committee.

The bills that would provide local revenue options are stuck in limbo awaiting decisions of leadership as to whether they will be subject to implementing the budget, or a resolution for bills not subject to the cutoff. The public health funding bill, **SB 5920**, is still being discussed in terms of the final budget since it includes a 19.5 cent

statewide voter-approved property tax. The local options funding for counties and cities, **HB 2098** is still in House Rules.

With all of this said, legislators continue to say that something needs to be done for local governments. We just don't see it yet. This Saturday most legislators will be in their districts holding town hall meetings. WSAC and WACO has informed the Tri-Association local coordinators, as well as all other members of the time and location of those meetings and are urging them to attend. All county and city officials should try to attend these meetings and ask their legislators if they have supported the Tri-Association Package. Ask if they will they support passing the remaining bills necessary to provide local options funding tools and the public health property tax proposal.

Sites for Spring 2004 District Meetings Needed

Are you ready for next year? It's important to plan ahead for good sites for WSAC regional meetings. We hope that a competitive site selection can take place for the Spring 2004 meetings that will take place at the end of April 2004.

Sites will be chosen at the business meetings during the upcoming district meetings, April 3-4, in Olympia, and

April 10-11, in Clarkston. Meeting locations need to offer at least 75 sleeping rooms and appropriate meeting facilities. Please check with Ginni Peppert at WSAC if your community is interested in hosting a WSAC district meeting.

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

Personal Property Electronic Filing Bill Passes House

SHB 1278, which would eliminate the requirement that personal property affidavits must be signed and verified under penalty of perjury for property tax purposes, passed the House on March 14. This is county assessor priority legislation and permits personal property lists and affidavits to be electronically transmitted. Thanks to Ken Madsen, Pierce County Assessor, for his testimony on the bill and his hard work it getting it pulled out of the House Rules Committee for a floor vote.

The bill is currently in Senate Government Operations & Elections and will hopefully have a hearing soon. Watch for the date and time in the Courthouse Journal.

Hearings of Interest to Assessors

The House Finance Committee will have a public hearing on March 25, at 1:30 p.m. to hear **SB 5034** which provides property tax relief for senior citizens and persons retired because of physical disability and **SJR 8208** which would allow for a public vote to amend the Constitution to allow for multi-year excess property tax levies for cemetery districts. **SB 5034** is the only senior bill that survived. The 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 \$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. Also in House Finance, on March 27, at 8:00 a.m. the Committee will hear **SB 5783** which would implement the streamlined sales and use tax agreement.

In the Senate on March 24 Land Use and Planning will hear **HB 1264** which defines 'nonmineral ownership interest' with respect to dedicating plats and subdivisions. On March 25, Senate Government Operations and Elections will hear **HB 1133** which requires county assessors to submit an annual property tax report to the Department of Revenue. This bill is aimed at identifying banked capacity of all taxing districts and would include details of the calculations for the each district's revenue limits under the 101% limit. Senate Judiciary will hear **HB 1480** on March 26. This bill would allow sharing of condemnation appraisal information. On March 28, the Senate Economic Development Committee will hear **ESHB 1742**, modifying public facilities district authority. The Government Operations Committee will hear **SHB 1278**, the personal property electronic filing bill on March 28, at 1:30 pm. This is an assessors priority bill.

Senate Natural Resources, Energy & Water will hear **SHB 1250** on March 26, at 1:30 p.m. This is the bill that would be used to determine annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. 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.

State Budget Deficit Grows

On March 19, the state revenue forecast was updated. The forecast for the state's General Fund for the 2003-05 biennium dropped by \$238 million to

\$22.452 billion. When this is combined with mandatory caseload forecast increases of \$50 to 70 million on the operating budget side, the total deficit grows from \$2.5 billion to \$2.8 billion.

At the same meeting, the forecast for the current biennium which ends June 30, 2003 was increased by \$36.8 million. Much of this increase is due to increased real estate excise tax receipts and one time audit recoveries.

Dr. Sohn, the state's forecaster, says he now expects the state's economic recovery to be delayed until early 2004. Washington continues to suffer the mirror image of its fate during the 90's. At that time high tech stock options and high tech industry growth fueled one of the most successful state economies in the nation. Stock options for Microsoft alone were a larger component of income in the state than the entire Boeing payroll. In recent years, plunging share prices have rendered many stock options worthless. The decline in air travel since the September 11 attacks, combined with tough competition from Airbus has continued to depress Boeing's markets.

County Treasurers

ESHB 1564, the county treasurers' clean up bill, has been scheduled for a hearing in the Senate Government Operations and Elections Committee on Wednesday, March 26, at 1:30 p.m.

Community Revitalization Financing (TIF/EDGE)

Changes to the existing state TIF law may be waiting until next year. Then again, in Olympia you never know.

At this time, **SHB 1281** remains in House Rules. It would expand the community revitalization program to allow local governments to finance public improvements not only using increased property tax revenues, but also excess excise and sales tax revenues. It also includes small improvements to the existing property tax increment authority. The companion measure, **SSB 5364** never made it past the Senate Ways & Means Committee. Both measurers

Budget, Finance and Taxes (continued)

have a large fiscal impact to the State as revenue generated through a sales and use tax, up to \$1 million per year, per project -- \$5 million per year total statewide -- would be credited against the state sales and use tax in an increment area.

The original bills were amended in both houses. **SHB 1281** also states the proposed public improvement to be financed in part or in whole using TIF funding must be found by the local governing body to be reasonably likely to increase private investment. It must also increase the employment and generate state and local property, sales, and use tax revenues that are equal to or greater than the respective state and local contributions. The Senate added a requirement to **SSB 5364** that funding could not be used to move Washington businesses into the increment area if they were currently operating outside the increment area. Further procedural steps necessary to adopt an ordinance establishing an increment area were added in both bills.

Repealing Outdated & Unused Tax Exemptions

One of the Tri-Association priorities this year was a review of exemptions. While **SHB 1737** would not systemically review all exemptions it would repeal a number of outdated and unused tax exemptions, deductions, credits, and deferrals. We think this is a step in the right direction! A number of tax exemptions/preferences have outlived their usefulness. State records show that no taxpayers have claimed relief under these tax preferences in recent years and the intent of the legislation is to update and simplify the tax statutes by repealing these outdated tax preferences.

The Department of Revenue publishes a report on exemptions every four years. The report covers more than 400 exemptions and describes each, the year of enactment, the purpose of the exemption, an indication of primary beneficiaries and estimated fiscal impact. The most recent report shows several exemptions for which no taxpayers have

claimed relief in recent years and that appear to be outdated or unnecessary. The repealed exemptions include:

- Leased agricultural fair lands – now exempt under another statute.
- Ferrosilicon Production – one proposed facility not currently in operation.
- Nuclear fuel assembly manufacturing – not used in recent years.
- Motor vehicle fuel used in aircraft testing – not used for aircraft testing in Washington.
- Cogeneration facilities – new applications were terminated in 1984.
- New manufacturers' sales tax deferral – program terminated in 1995.
- International services provided by insurance companies – never used.
- Health insurance pools B&O deduction – health insurers shifted to insurance premiums tax in 1994.
- Apparel used solely for display – current practice is to use inventory for display.
- Processing equipment, sale/leasebacks – only one firm benefited from this exemption and it ceased operation in 1991.
- Gasohol facilities leaseholds – no firms eligible
- Waiver of Y2K delinquency penalties – computer problems were minimal and have been resolved.
- Goods in transit (Freeport exemption) – duplicates a later-enacted exemption for inventory.
- Naval aircraft training equipment – all equipment transfers under a federal statute have now taken place.
- Housing Finance Commission foreclosure properties – contracts are now structured to avoid the Commission taking title to foreclosed properties.

The substitute bill removes additional code language related to repealed exemptions.

Political Consultant Eyman Branches Out

This week, Tim Eyman announced that he would work as a consultant for the King County Corrections Guild. The Guild has objected to jail staffing reductions following a forced decline in jail population. They have suggested that the way to restore their jobs is to reduce the number of King County Council Members. They have proposed County Initiative 18, to amend the County Charter to reduce the number of Council Members. The county prosecutor has sent a letter to the Guild informing them that under the county charter the county initiative process cannot be used to amend the charter. Eyman reported that he would provide consulting services to the Guild in exchange for their assistance in his effort to collect signatures for state Initiative 807. That initiative would place further restrictions on state budgeting.

Hotel/Motel Tax Restriction Bill Fails to Meet Deadline

SSB 5668 spent the Senate floor cut-off sitting in the Senate Rules Committee. The bill would require county and city legislative authorities to obtain the approval of a local lodging advisory committee before spending the proceeds of hotel/motel Taxes. We want to thank all of the WSAC members who contacted their Senators to express their concerns about this bill.

Sales Tax Streamlining Bill Passes Senate

SB 5783 passed the Senate on Saint Patrick's Day and will be heard in the House Finance Committee on March 27. As the Courthouse Journal reported earlier, the bill delays implementation of a key component of the streamlining process called "sourcing". Sourcing ensures that sales tax is charged at the rate of jurisdiction where the purchaser takes delivery of the merchandise. This

provision is expected to be of significant benefit to most counties. Some cities with large concentrations of retail were successful in blocking this provision. The bill does require that all taxable items (excluding cars and a few other items) be subject to the same tax rate within any given jurisdiction. This would largely eliminate the possibility of applying sales tax exemptions to only the state portion of the sales tax. Supporters of the streamlining process hope that it will convince Congress to pass legislation permitting states and localities to impose sales tax on

catalogue and internet purchases.

Retirement Bills Do Not Pass Out of House of Origin

We have been tracking several early retirement bills, none of which passed out of their house of origin as of the cutoff date, March 19. Two bills, **SHB 1458**, authorizing retirement incentive programs, and **SHB 2180**, authorizing early retirement for PERS, were placed on second reading by the House Rules Committee. They may remain alive due to their potential impact on the budget.

CERB Funding Bill

Legislation remains moving to establish a permanent funding source for the Community Economic Revitalization Board (CERB). **HB 1032**, now in the Senate Economic Development and Trade Committee, would dedicate a portion of interest earnings from the Public Works Account to finance infrastructure needed for rural economic development.

Court of Appeals Clarifies Calculation of Non-disclosure Penalties Under PDA

On January 6, the Court of Appeals decided *Yousoufian v. The Office of King County Executive*, a public disclosure case. The decision sets out new guidelines for calculating non-disclosure penalties in cases where the failure to disclose is negligent rather than intentional.

In May of 1997, the plaintiff requested copies of a number of studies, in addition to “all file materials relating to” one of the studies, and in particular materials on study costs. This request was directed to the office of the King County Executive, which provided part of the information within a few weeks, and directed the plaintiff to a number of other agencies and departments for the remaining documents. The plaintiff was not able to obtain all of the documents, though he made several attempts to do so. In June of 1998 he decided to sue. He abandoned his disclosure request and began looking for an attorney. Finding someone to take the case proved difficult, and it was not filed until March of 2000. In the interim, he did not inform the county that he still wanted the information, and the county made no efforts to locate it for him.

The trial court found that the county was negligent in not locating the information he had requested, but that there was no evidence of intentional concealment. He was awarded his attorneys’ fees, plus the statutory minimum penalty of five dollars per day. In calculating the number of penalty days, the court did not count the entire period between his last communication with the county and the date his suit was filed. Instead, the court allowed one hundred and twenty days as a reasonable time in which to find an attorney and file suit, and awarded no penalty for the remaining 527 days.

On appeal, this method of counting penalty days was upheld, as was the trial

court’s refusal to award a daily penalty for each document the county failed to produce. The award of five dollars per day, however, was remanded with directions to impose a higher penalty. The Court of Appeals stated that “the minimum statutory penalty should be reserved for instances of less egregious agency conduct, such as those instances in which the agency has acted in good faith but, through an understandable misinterpretation of the PDA or failure to locate records, has failed to respond adequately.” The court also held that, in determining a penalty for non-disclosure, it is not acceptable to consider the deterrent effect of an award of attorneys’ fees.

Courts, Corrections, Law Enforcement, Etc.

SHB 1236, child dependency hearings, passed the House and has been referred to the Senate Committee on Children, Family Services and Corrections. **SHB 1236** will make dependency hearings open to the public with certain exceptions.

SSB 5251, foreign judgments, passed out of the Senate unanimously. It will be referred to the House Judiciary Committee. County clerks are encouraged to contact the chair Representative Pat Lantz to request a hearing on **SSB 5251**.

SSB 6002, legal financial obligations, is still in the Senate but alive for purposes of implementing the budget. Representatives Kagi and Lantz have scheduled a meeting on Friday afternoon for all the stakeholders to discuss the county clerks taking over the responsibility for collection of legal financial obligations from the Department of Corrections.

HB 1816, allowing attorneys to issue writs of garnishment in district courts, will be heard in the Senate Judiciary Committee at 8:00 a.m. on Thursday, March 27.

SB 5411, nonpartisan sheriffs, died in the Senate.

ESHB 1218, Creating a first responder building mapping system information system, was heard in the Senate Judiciary Committee on Thursday. Clallam County Sheriff Joe Hawe was on hand to testify. Clallam County has already completed tactical mapping of 33 schools in Clallam County and the Peninsula Community College. Tactical mapping of public buildings is used in response to critical incidents such the one which occurred at Columbine High School. The next stage will include the hospital, courthouse and Port Angeles City Hall.

The Washington Association of Sheriffs and Police Chiefs (WASPC) will pursue federal funding to create the system and provide grants for the mapping of all state and local government buildings. **ESHB 1218** is being amended to include language that guarantees that the system is “being developed for a limited and specific purpose and is in no way to be construed as imposing standards or system requirements on any other mapping systems developed and used for any other local government purposes.” This is a clarification that county geographical system information systems are not affected or in any way influenced by the “blueprinting” of buildings for incident response purposes. The companion bill, **SB 5269**, will be heard in the House State Government Committee on Tuesday, March 25, at 1:30 p.m.

House Hearing Set for ‘Jail Non-Liability’ Bill

The House Judiciary Committee will hear testimony Tuesday, March 25, on **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 pursuant to a court order. A small group of county corrections officials, sheriffs and prosecutors will testify in favor of the bill.

The bill passed the Senate 49-9 last week.

Courts, Law and Justice (continued)

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**, sponsored by Senator Dale Brandland, clarifies that government cannot be liable in these situations.

Although the bill has not yet

experienced any major opposition, it likely will face greater scrutiny in the House.

Two WSAC Law & Justice Priorities Miss House Deadline

Two law and justice bills identified as WSAC and Tri-Association priorities failed to pass the House by the March 19 deadline. Both made it to the floor calendar but were not brought up for a vote.

SHB 1764, limiting liability for pre-trial supervision of offenders, likely is dead for this session. The original bill would have established a gross negligence standard for pre-trial release and supervision.

SHB 1274 would reduce the interest rate paid on tort judgments from 12 percent to four percent above the T-bill rate. Because this bill will save money for the state it still could be revived as necessary to implement the state budget.

Elections, Licensing and Recording

Licensing

2SHB 1796 provides funding for reduced-fee traffic safety education for low-income students through the assessment of a \$1 per plate fee assessed on all reflective license plates issued at the initial vehicle registration and on replacement. The bill passed the House on March 18 and is headed over to the Senate Highways & Transportation Committee. These fees are to be deposited in the motor vehicle fund and transferred at least quarterly to the public safety and education account to be used only for lowering the cost for low-income students of traffic safety education programs.

Recording

SSB 5478, increasing the surcharge for the preservation of historical documents from \$2 to \$3 made its way out of the Senate Rules Committee to the floor calendar, but did not get called to the floor for a vote. The cutoff was Wednesday, March 19.

SB 5477, requiring the delivery of endorsements by recording officers **passed** the Senate, and has been referred to the House Local Government Committee. **Please contact your members on the committee and ask them to schedule the bill for a hearing.**

HB 1594, clarifying the role of a chief financial officer in a charter county has been referred to the Senate Government Operations & Elections Committee. **Please contact your committee members and ask them to schedule the bill for a hearing.**

SHB 1081, increasing the recording fee on deeds of trust by \$1 to prosecute real estate fraud has been referred to the Senate Financial Services, Insurance & Housing Committee.

Archives Legislation

EHB 1152, revising funding of the archives division is in the Senate Government Operations & Elections Committee. Please contact your committee members and ask them to schedule the bill for a hearing. This bill is very important to local government!

SSB 5274, the companion bill, passed

the Senate on Wednesday, March 19.

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

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

Elections Hearings Next Week

Senate Government Operations and Elections Committee – SHR 3

Tuesday, March 25 – 1:30 p.m.

HB 1473, specifying when vacancies in certain public offices may be filled.

HJR 4206, amending the Constitution to provide for vacancies that occur after the general election.

HB 1106, authorizing the Secretary of State to observe county elections facilities.

Wednesday, March 26 – 1:30 p.m.

HB 1935, changing prerequisites for county auditors calling special elections.

House Local Government Committee – HHR E

Thursday, March 27 – 1:30 p.m.

SB 5747, requiring the supervisor of elections in charter counties to be an elected position.

House State Government Committee – HHR D

Tuesday, March 25 – 1:30 p.m.

SB 5463, authorizing a pilot project for military and overseas voters to vote over the Internet.

Thursday, March 27 – 8:00 a.m.

SSB 5218, requiring timely mailing of ballots.

SSB 5221, reorganizing Title 29 election laws.

A striking amendment to **ESSB 5150**, library trustee elections, squeaked through the Senate this week, 27 yes, 22 no, with a dramatic difference from the underlying bill. Rather than providing for the election of library trustees, there is a process set up for the removal of a trustee in an election. A library trustee may be removed by a vote of the voters in the district, city, town or county, as the case may be. The measure is placed on the ballot of the next election at least 60 days after a 10 percent petition is certified as sufficient by the county auditor.

SHB 1094, extending mail balloting, died in the House Rules Committee this week. Auditors have invited legislators to join them in a task force over the interim to help solve a multitude of issues that have come up regarding precincts and precinct committee officers.

SSB 5063, providing for elections for flood control zone district supervisors, was heard by the House Local Government Committee on Thursday and has been scheduled for executive session on March 26.

More Bills Die at Cutoff:

SB 5886, allowing voters to indicate abstention from voting on any particular office.

SJR 8210, proposing an amendment to the State Constitution to guarantee blanket primaries.

SSB 5069, water-sewer district assumption election.

SB 5046, penalizing officials lying about elections.

County Commissioner Elections by District

SB 5153, establishing a procedure for the election of county commissioners by district, was referred to the House Local Government Committee. The election of county commissioners by district is already possible via the adoption of a county charter that allows elections by district. WSAC continues to oppose this bill and urges members to contact their House representatives expressing their opposition.

Elections, Licensing and Recording (continued)

Public Meeting Requirements

SB 5185, changing provisions relating to open public meetings, was referred to the House State Government Committee. This bill would require public agency governing bodies to adopt rules fixing the agenda requirements for meetings, including deadlines for posting agendas, and time allotted per agenda item. It also would require the adopt rules fixing

the location for meetings, including meetings involving more than one jurisdiction. WSAC continues to oppose this bill and urges members to contact their House representatives expressing their opposition. The inflexibility of these proposed new requirements, particularly the requirement for rigid time allotments, would make public meetings time consuming and difficult to run.

Water Update

At least one version of all of the bills in Governor Locke's water package survived in the Legislature. The Senate bills referred to below (with the exception of **SSB 5145**) are scheduled for hearing in the House Agriculture and Natural Resources Committee on March 28, at 8:00 a.m. 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, which has passed the House – 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.

In addition, **SSB 5073**, provides counties, cities and special districts engaged in water supply or water quality protection the ability to spend up to ten percent of revenues – beyond those already allocated – on watershed planning implementation. This measure, sponsored by Senator Karen Fraser (D-Thurston County) will provide greater funding opportunities and flexibility – along with an ability to better coordinate and manage existing programs.

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. Both bills have passed one house and await action in the opposite house.

Trust Water Rights

SHB 1317 rewrites and clarifies the various trust water rights programs. It is now in the Senate Natural Resources, Energy and Water Committee.

Stockwatering

SSB 5077, which has passed the Senate, and is now in the House Agriculture and Natural Resources Committee, clarifies 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 has passed the Senate.

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. Both have moved to the opposite house.

Stormwater Legislation Surges Ahead

ESHB 1689 survives as municipal stormwater permit legislation, moving to the Senate on a 98-0 vote. It creates a workgroup to consider a long list of issues surrounding then development of a Phase II permit for Western Washington and confirms the existing workgroup for eastern Washington stormwater program development. The bill retains the original premise advanced by counties and cities that municipal stormwater management programs administered by the Department of Ecology ought not exceed the minimum requirements of federal law.

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 and is scheduled for hearing on Thursday, March 27, at 10:00 a.m in the Senate Natural Resources, Energy and Water Committee.

Contract Harvest Authority Moves Forward

Legislation to allow the Department of Natural Resources to selectively price and sell portions of timber stands for anticipated greater revenue has passed both the House and Senate. The concept, known as "contract harvesting" has already been through a pilot program

Shorelines Debate is Still Contentious

The negotiations over a bill to implement the shoreline guidelines settlement agreement has been difficult and time consuming. The settlement agreement focused on the substance of the shoreline guidelines and left the funding schedule to the legislature. All though several counties participated in the negotiations and in fact signed the settlement agreement, WSAC wasn't at that table.

Over the course of the session, negotiations occurred each week and several compromises were reached. We were able to reach agreements on funding and rolling schedules if funding is available. The outstanding issue has been the insistence of the environmental community to name local governments in the bill as early adopters. Early adopters are cities and counties that would update their shoreline master programs before the formal schedule starts in 2011. Staff briefed the Legislative Steering Committee (LSC) and it was their recommendation to support a voluntary process where a city or county would contact Ecology after the rules are adopted around the end of 2003. During the briefing, staff asked if any of the counties wanted to be named in statute and no county volunteered.

Late Tuesday afternoon, a proposed striking amendment was made public. The striking amendment included several cities and one county as mandated early adopters. Staff called representatives of the cities or counties to verify if they had in fact volunteered. Only one city had volunteered. This information was shared with the leadership and they still insisted on running the bill that night. The Speaker of the House made it clear that he was going to move the bill out of the House with or without an agreement between the stakeholders.

The House passed **ESHB 1769** late Tuesday night. The floor debate was heated and contentious. The bill passed 60-37, almost a party line vote. Details on the content of this bill and other shoreline bills are on page 13.

The drama shifts to the Senate on Wednesday. On the Senate floor calendar is **SB 6012** which takes the old guidelines that the Pollution Control Hearing's Board invalidated and updates them.

This bill was the last bill in the Senate before the cutoff. There was an amendment to the bill that the Chair of the Senate Land Use Committee objected to and she told everyone if the amendment passed she wouldn't hear any of the shoreline bills. The amendment failed 25-24.

If any county wants to be named as a mandated early adopter in statute please send a letter signed by the Council or Commission to Scott Merriman at WSAC. If you have any questions about what it would mean to be an early adopter, please call Scott.

Land Use Bills That Have Passed the House of Origin

SSB 5022, allows local governments to amend their comprehensive plans more than once a year. WSAC supports this bill. It has been referred to the House Local Government committee.

SSB 5152, says Columbia River Gorge Commission may not issue a land use decision that prohibits reasonable development of a parcel of land unless the commission compensates the owner for the resulting loss of value to the parcel as determined by the assessor of the county in which the parcel is located. It has not yet been referred to a committee.

SSB 5160, allows Ferry County and Republic to opt out of the Growth Management Act. WSAC supports this bill. It has not been referred to a committee yet.

SSB 5282, eliminates the Growth Management Hearing Boards. All appeals would go to Superior Court. WSAC is supporting the bill. It has been referred to House Local Government.

SB 5307, reinstates the 120-day time

limit for project permit decisions from GMA local governments. If a local government does not issue a final decision within the overall time limit, the project is deemed approved. WSAC is opposed to this bill. It has been referred to the House Local Government Committee.

SSB 5308, allows GMA Boards to review adopted comprehensive plans and development regulations only for compliance of the local government adoption or amendment actions with the procedural requirements of the statute. Boards may issue an order of invalidity only if the adoption or amendment of the plan or regulation was not in compliance with statutory requirements. It has been referred to the House Local Government Committee.

SSB 5351, Requires state agencies to comply with local comprehensive plans and development regulations, with some exceptions, but agencies must first implement on state-owned lands any and all requirements the seek on local governments to impose on private lands. WSAC is supporting this bill. It has been referred to the House Local Government committee.

ESSB 5352 Transfers the policy development for the federal conservation reserve enhancement program (CREP) to the department of Agriculture. It also clarifies that development regulations cannot preclude a person from being able to qualify for CREP. The bill amended 36.70A.170 (GMA) on the Senate floor to ensure that all agricultural-related industries, including wineries, be allowed or uniformly regulated on agricultural lands designated under GMA.

SSB 5507 Clarifies and limits who has standing before the Growth Management Hearing boards.

SSB 5602/SHB 1608 Requires local governments to ensure amendments to their comprehensive plans and development regulations will not prevent them from accommodating their projected population and employment growth as provided by OFM. It has

Environment, Land Use and Resources (continued)

been referred to the House Local Government committee.

SSB 5651, makes a technical correction to allow Jefferson County the authority to establish industrial land banks.

SSB 5658, clarifies that the use of best available science is a procedural requirement and not a substantive requirement for adopted plans and regulations. Counties and cities must "consider" the best available science in developing policies and development regulations to protect critical areas.

In developing policies and regulations for critical areas, counties and cities (a) must consider only the science applicable to each type of critical area, (b) may consider science from a different physical context from that of the critical area context at issue, (c) are not obligated to consider science from a different physical context if a county or city determines that such science is not applicable, (d) are not restricted to a precautionary or no-risk approach where there is an absence of science applicable to a specific critical area, (e) may consider the criteria for best available science adopted as rules by the Department of Community, Trade, and Economic Development, and (f) may consider the cost-effectiveness of each alternative for protecting each type of critical area.

Growth management hearings boards in their review of the use of best available science by counties and cities must give deference to the county and city findings and conclusions in developing critical areas plans and regulations if their adoption procedures complied with GMA requirements.

WSAC supports this bill and it has been referred to the House Local Government Committee.

SSB 5651, creates a local option to allow recreational uses of agricultural lands is restricted to GMA jurisdictions, requires that the agricultural lands must be out of production for at least five

years, and provides that any recreational use is an interim conservation of agricultural land. The use is subject to an annual review. The bill has been referred to the House Local Government Committee.

ESSB 5680, allows counties that have a population density per square mile of less than 55 persons and the cities therein may choose to extend the deadline requirements under the GMA to update their comprehensive plans and development regulations. If, however, a county's population density should grow to equal or exceed 55 persons per square mile, then the county and the cities therein must comply with all GMA update requirements within two years from the date the county's population density equals or exceeds 55 persons per square mile.

Eligible counties and the cities therein that choose to extend the deadline requirements for GMA updates must file notice of such election with the Department of Community, Trade, and Economic Development no later than November 1, 2007. Failure to file such notice shall result in those counties and cities being required to comply with the update requirements by December 2007.

Critical area and natural resource land ordinances must be updated within two years from the date the county's population density equals or exceeds 55 persons per square mile or within 15 years from the date the most recent critical area and natural resource land ordinance was adopted

WSAC is supporting this bill and it has been referred to the House Judiciary Committee.

SSB 5761, expands the definition of industrial projects of statewide significance to include projects with projected employment positions of 50 or greater in rural counties and 100 or greater in urban counties. An application for designation as an industrial project of statewide significance must be submitted to CTED. The application includes a letter of

approval from jurisdictions where a project is located.

Counties and cities with projects are to enter into agreements with the Office of Permit Assistance and project managers of industrial projects of statewide significance to expedite the processes necessary for the design and construction of projects.

The Office of Permit Assistance is to provide facilitation and coordination services to industrial projects of statewide significance. WSAC has not taken a position on the bill.

Annexation Bills That Have Passed the House of Origin

SHB 1231/SSB 5409, establishes a new direct petition method of annexation for code and non-code cities and towns is established, and existing statutes governing the sufficiency of petitions are amended. The new annexation method is established as an alternative to existing statutory provisions for annexations by cities and towns. Direct petition annexations of inhabited land must be signed by the owners of a majority of the acreage and a majority of the registered voters in the proposed annexation area. Direct petitions for annexation of uninhabited land must be signed by the owners of a majority of the acreage in the proposed annexation area. WSAC is supporting both bills.

SHB 1755, creates a two-pronged alternative annexation method allowing cities and towns planning under the GMA to annex specific territory based upon negotiated interlocal agreements with counties. The interlocal agreements must be commenced through city, town or county legislative action.

Additionally, specific public notice, hearing, procedural, and referendum criteria are established for the alternative annexation method.

The statute designating criteria for urban growth areas is amended to specify that an urban growth area may include within its boundaries, urban

Environment, Land Use and Resources (continued)

service areas or potential annexation areas designated for specific cities or towns within the county. WSAC is supporting this bill.

HB 1801, amends municipal purpose annexation statutes to allow city and town legislative bodies to, by majority vote, annex contiguous unincorporated territory when the city or town provides, or has committed to providing, retail sewer or water service to at least 75 percent of the territory proposed for annexation. The legislative body of the annexing city or town must satisfy public hearing and notification requirements prior to voting on the annexation. Additionally, any territory annexed must be within an urban growth area or otherwise qualified for annexation.

The real property transfer disclosure statement form is amended to require sellers of real property to indicate whether utility service or annexation agreements affect the property. WSAC is opposed to this bill.

Shoreline Bills That Have Passed the House of Origin

ESHB 1769 The SMA provision requiring local governments to develop or amend shoreline master programs within 24 months after the adoption of guidelines by the DOE is replaced with a staggered schedule. The initial deadline for developing or amending master programs under the established schedule will occur on or before December 1, 2005, with subsequent deadlines continuing through the staggered schedule until December 1, 2014. Provisions are included for local governments required or choosing to develop or amend master programs on or before December 1, 2009. Local governments meeting specific date and other criteria that have new or amended master programs approved by the DOE are not required to develop or amend master programs until seven years after the applicable date established by the schedule.

Grant funding and related compliance date provisions are specified. Grants to local governments for master program

development or amendments must be provided at least two years before the established compliance dates. Local governments applying for but not receiving funding may delay development or amendment of their master programs until the following biennium. Local governments exercising this provision to delay must be the first funding priority in the subsequent biennium. Additionally, the current statutory provision prohibiting the DOE from making grants to local governments in excess of the recipient's contribution to the estimated program cost is removed.

ESHB 1933 New policy and governance provisions are added to the GMA to specify that: integration of SMA goals and policies into the GMA planning goals does not create an order of priority among the planning goals; shoreline master programs may not be adopted pursuant to goals, policies, and other existing GMA criteria presently used for the adoption of comprehensive plans or development regulations; and SMA policies, goals, provisions, and applicable guidelines must, with limited exceptions, be the sole basis for determining compliance of a master program with the GMA.

Several new provisions regarding critical areas are added to the SMA and the GMA. As of the date the DOE approves a master program adopted under shoreline master program guidelines effective January 1, 2003, the protection of critical areas within shorelines of the state must be accomplished only through a shoreline master program and are not subject to the GMA's procedural and substantive requirements. Critical areas subject to a master program adopted under revised guidelines are not subject to the procedural and substantive requirements of the GMA. Specified GMA provisions for designating and protecting critical areas may not apply to the adoption and amendment of master programs and may not be used to determine compliance of a master program with the SMA and applicable guidelines. Master programs are required to provide a level of

protection to critical areas within shorelines of the state that is at least equal to that provided by development regulations required by the GMA. Additionally, "shorelines of the state" are not considered critical areas under the GMA except to the extent that specific areas within shorelines of the state qualify for designation and have been designated as such by a local government. Furthermore, the definition of "shorelands" is amended to include additional lands necessary for critical area buffers required for compliance with master program provisions.

The existing authority of Growth Management Hearings Boards (GMHBs) to review proposed master programs or amendments for compliance with GMA provisions is limited to reviewing for compliance with specific internal consistency provisions of the GMA. The GMHBs may review proposed master programs or amendments for compliance with consistency requirements for city and county development regulations.

The DOE is required to approve the segment of a master program relating to critical areas if the segment is consistent with guidelines revised after January 1, 2003, and if the segment provides a level of protection at least equal to that of the local government's adopted and subsequently amended critical areas ordinances.

SSB 6012 The shoreline management guidelines in existence prior to the 1995 legislative amendments are codified. DOE no longer has legislative authority to develop and adopt guidelines regarding the regulation of uses of shorelines and shorelines of statewide significance. Local governments regulate shoreline use activities based on statutory guidelines, not guidelines developed by DOE.

General Government Issues

Funds for Public Lobbying

On March 17, Representatives Geoff Simpson and Representative Mike Cooper introduced **HB 2224** relating to the use of public facilities for lobbying. The bill would amend 44.04.170 and the change made simply states “No public funds may be used directly or indirectly for lobbying”. As you can imagine, this is a concern for both WACO and WSAC.

Death Investigations

2SHB 1223, coroner jurisdiction over child deaths, passed the House and will be heard in the Senate Government Operations Committee at 1:30 p.m. on Tuesday, March 25. The second substitute of **HB 1223** says the coroner or medical examiner must notify the Department of Social and Health Services of all deaths of children for which they receive notice. DSHS has no duty to investigate beyond those outlined in RCW 26.44 and will not maintain a record except in cases of abuse or neglect or when the department has had an open protection or welfare case. The bill still allows DSHS to initiate a death investigation and is exempt from the confidentiality statute governing post mortem reports. Their investigators may also have access. Coroners, prosecutor/coroners, and law enforcement have all weighed in against **2SHB 1223**, but it just keeps moving.

HB 1981, child death task force, died in the House Rules Committee.

SB 5545, increasing the fee for vital records certificates to develop a web-based death registration system, failed to pass the Senate before cutoff. Its companion, **HB 1578**, is languishing on the House Floor Calendar but has survived the cutoff since it is included in the Governor's budget.

SB 5924, involving request for toxicology reports, died on the Senate Floor Calendar.

Mental Health Ombuds Bill Fails to Survive Cut-off

SB 5946, the bill establishing an independent mental health ombuds office with the Department of Community, Trade and Economic Development, failed to survive the cutoff for bills out of their house of origin. This is the third year this bill has been introduced and failed to survive the entire process. The RSNs and WSAC Legislative Steering Committee have opposed this bill all three years since the current system of ombuds and quality review teams contracted through the RSNs has

functioned more than satisfactorily. The apparent stopping block this year was again the cost to establish the new office. In addition to taking funds from the RSNs capitated payment rates, the bill would have required an additional \$300 + from the DSHS Mental Health Division's Office of Consumer Affairs and the training budget for quality review teams. Proponents of the legislation admitted they would not be able to provide the current level of coverage statewide for several years even with the same amount of funds.

WSAC wants to thank those RSN ombuds offices who worked to defeat this proposal. They all provide an invaluable service to our consumers who have mental illness and face challenges negotiating the mental health system.

Human Services Hearings of Note

Hearings start back up in the opposite house this week, March 24 – 28. Among those of interest are:

Monday, March 24

House Appropriations – 3:30 – HHR A
HB 2225 – concerning Basic Health Plan enrollment

House Capital Budget joint w/ House Health Care & House Children and Family Services – 6:00 HHR A -Work Session: The committees will take public testimony on the proposed closure of Fircrest

Tuesday, March 25

House Health Care – 8:00 – HHR B
SB 5709 – concerning nursing practices in community-based and in-home care (nurse delegation)

SB 5597 – Prohibiting tobacco product sampling
House Criminal Justice & Corrections – 10:00 – HHR E

SSB 5473 – Requiring the criminal justice training commission to train officers on interacting with persons with a developmental disability or mental illness.

House Judiciary – 1:30 – HHR B
ESSB 5223 – Authorizing mental health

directives
Senate Health & Long-Term Care – 1:30
SHR 4

SHB 1655 – Providing for determination of disability for special parking privileges by advanced registered nurse practitioners

Senate Government Operations & Elections – 1:30 – SHR 3

SHB 1813 – Expanding employment opportunities for people with disabilities

Wednesday, March 26

House Criminal Justice & Corrections – 1:30 – HHR E

SB 5550 – Adding youth camps to risk potential activities that must be considered when siting a secure community treatment facility

Thursday, March 27

Senate Judiciary – 8:00 SHR 1

SHB 1931 – Regarding the training of law enforcement officers in working with those with developmental disabilities and mental illness
Senate Financial Services, Insurance & Housing – 8:30 SHR 2

SHB 1472 – Managing clean and sober housing

House Health Care – 10:00 HHR B
ESSB 5904 – Concerning prescription drug assistance programs for seniors

Friday, March 28

No bills scheduled yet of interest to human services.

Note: Senate Children & Family Services & Corrections and Senate Ways and Means are all scheduled to meet this week but have not announced their agendas. Please check the legislature's website for agenda information beginning on Monday, March 24.

Dead Human Services Bills

Bills that did not survive the cutoff on March 19 include **SSB 5982**, authorizing Sunday sales of liquor; **SSB 5873**, the Senate re-write of RCW 71A, the DD authorizing statutes; **SHB 2025**, the Partners in Crisis bill that would

Public Health and Human Services (continued)

eliminate criminal charges in certain situations when someone who is mentally ill resists arrest; **SHB 1320**, raising the age of consent to 16 for youth desiring inpatient mental health treatment; **SHB 2126**, revising joint and several liability for in-home care managed by the Area Agencies on Aging; **SSB 5630**, the Clark County pilot proposal; and **HB 1868**, prohibiting smoking in public places.

CRAB/TIB Merger Bill Stalls in Senate Rules

Thanks to all the letters and phone calls from the Commissioners and Engineers to the Senate Rules Committee. Your work has helped keep the bill in the Senate Rules Committee. We can't rest yet, the rumor now is that the Chair of the House Transportation Committee might include the merger in his proposed budget and that action would keep the bill alive. Please call or e-mail the members of the committee to express your opposition. WSAC staff will drop copies of the letters to key members on the committee.

House Transportation Budget

The Chair of the House Transportation Committee might introduce his proposed transportation budget next week. There are lots of rumors and no facts yet.

Transportation Bills That Have Passed the House of Origin

ESB 5245 modifies RTPO board memberships are modified. Any member of the House of Representatives or the Senate whose districts are within the boundaries of the regional transportation planning organization are considered ex-officio, nonvoting board members of the regional transportation planning organization. This does not preclude legislators from becoming full-time, voting board members.

A requirement is added that when the members of the Regional Transportation Planning Organization take action on matters that solely affect Washington State, there must be a majority vote of the Washington residents serving as members of the RTPO before the matter may be adopted.

ESSB 5247 allows county or a Regional Transportation Investment District to levy a local fuel tax at a rate equal to 10 percent of the state fuel tax rate. The fuel tax is subject to a vote of the people and is in lieu of the local fuel tax already authorized in statute. The

revenues from the tax must be spent in accordance to a Regional Transportation Investment District plan and must only be spent for "highway purposes" as defined in the 18th Amendment of the Constitution.

Administration and collection of local option fuel taxes is moved from the Department of Licensing to the Department of Revenue.

ESB 5279 extends the Transportation Permit Efficiency and Accountability Committee is extended to March 31, 2006. Goals for specific outcomes are established. Detailed work plans are required, and dates are set for reports on progress.

SB 5340 provides that Counties with a population over 150,000, and each city and town within those counties containing a major employer are not required to adopt an ordinance and implement a Commute Trip Reduction (CTR) plan for all major employers. The Governor has proposed eliminating the budget for the CTR program.

SSB 5537 provides that regional transit authority (Sound Transit) may not implement a light rail system in a county with a population over 1.5 million persons unless a measure providing funding for the light rail system is submitted to the voters and subsequently approved. If voters turn down the measure, a regional transit authority may only spend money on the light rail system to retire debt or honor contractual obligations, if any, relative to a light rail system.

A regional transit authority must assess its resources used to implement a light rail system in a county with a population over 1.5 million persons and then must determine the best alternative use of those resources. The alternative uses include: (1) a bus rapid transit system; (2) expanded commuter rail service; (3) expanded bus or vanpool service; and (4) any other allowed service.

If the voters do not approve the expenditure of resources on the light rail system, a regional transit authority must direct those resources to the chosen

alternatives.

ESSB 5584 allows regional transit authority (Sound Transit) to be dissolved by the voters residing within the authority area. A referendum petition to dissolve an authority must be filed with each county participating in the authority. After filing the petition, the petitioner must obtain signatures of at least 15 percent of the registered voters within the authority area to have the referendum placed on the ballot. If the necessary signatures are verified as valid, within 120 days after the signed petition was filed, the referendum for dissolution must be submitted to the voters at a general or special election.

If a regional transit authority is dissolved, the authority may only exist solely as a limited entity to oversee the collection of revenue and the payment of debt in effect, if any. Thirty days after the debt is paid, the authority must dissolve.

SB 5646 provides that operators of passenger-only ferry service do not need to apply for the ten-mile waiver to provide service. WSDOT must make its terminal, dock, and pier space available to operators of passenger-only ferries if such use does not limit the operation of WSF's auto ferries. WSDOT may not charge any lease, rent, or fee in excess of fair market value.

SSB 5674 requires the Regional Transit Authority (Sound Transit) to adopt policies requiring the authority to allocate the expenditure of tax revenues to each subarea in proportion to the revenue generated in the respective subarea. The allocation must be used to finance costs incurred for projects within the respective subarea. An authority must also adopt policies for determining pro rata share of costs for projects that overlap subarea boundaries

SSB 5748 creates the Transportation Performance Audit Board (TPAB) to direct a two step performance review and audit process. The TPAB consists of the majority and minority leaders of the House and Senate Transportation Committees, five citizens with expertise in delivering transportation services, one gubernatorial appointee and one ex-

Transportation and Public Works (continued)

officio member. The citizen members are nominated by professional associations and appointed by the Governor for four-year terms. The ex-officio member is the State Auditor. The Legislative Transportation Committee (LTC) provides staff services to the TPAB. The TPAB develops schedules and methodology for conducting performance reviews of transportation agencies. Reviews of agency performance and outcome measures provide the TPAB with information necessary to determine if a full functional or performance audit is needed.

SB 5769 authorizes the Regional Transportation Investment Districts (RTID) to enter into debt up to amounts provided by the constitutional limitations. Revenue bonds may be issued by the district without submission to the voters of the district. Once construction of projects in the RTID plan has been completed, district revenues may only be used to make payments on the outstanding bonds, make payments required under pledging agreements, and provide for the maintenance and operations of toll facilities as may be required by toll bond covenants.

ESSB 5850 relates to the provision of passenger ferry service. Public Transportation Benefit Areas (PTBAs) with a boundary on the Puget Sound may operate passenger ferries. Eligible PTBAs must develop a passenger ferry investment plan, which identifies terminal locations served, projected costs of providing services, revenues generated from tolls, locally collected tax revenues, and other revenue sources.

Voters residing in areas bordering Puget Sound, may establish ferry districts for the purpose of operating passenger ferries. Ferry districts are authorized to levy a property tax not to exceed \$1.25 per thousand dollars of assessed value.

EHB 1433 designates the State Route 9 corridor from State Route 522 near Woodinville to the Canadian border as a highway of statewide significance.

ESHB 1463/SB 5491 authorizes local transit agencies to display commercial advertising on bus shelters located within a state highway right of way. The WSDOT may lease the state right of way to local transit agencies for this purpose, unless there are significant safety concerns regarding the placement of the advertising.

Advertisements placed on the bus shelters may not exceed 24 square feet on each side of the panel. Panels may not be placed on the roof of the shelter or on the forward side, facing oncoming traffic.

ESHB 1960 Subject to legislative funding, directs the the legislative transportation committee to conduct a study to determine whether the creation of a Puget Sound regional transportation district governed by an elected board would lead to better use of transportation resources and whether this district would improve transportation planning and governance in the region. The study shall:

- (1) Review current local and regional transportation planning and governance structures located in King, Pierce, Snohomish, and Kitsap counties;
- (2) Review the interaction between state transportation planning and governance and the local and regional structures in King, Pierce, Snohomish, and Kitsap counties;
- (3) Examine whether an elected board assuming the functions of the current metropolitan planning organization and the current regional transportation planning organization would improve transportation planning;
- (4) Examine whether the state should consider delegating state transportation planning for the region to an elected board;
- (5) Examine whether an elected board would provide more efficient and accountable governance than the current board of the regional transportation investment district;
- (6) Examine how the size of the board,

and whether the board was elected by council districts, would influence transportation governance;

(7) Examine the elected board assuming the governance of local transit districts in King, Pierce, Snohomish, and Kitsap counties would provide more efficient transportation governance; and

(8) Examine whether lesser steps than transferral of governing authority over local transit districts or the regional transportation investment district, such as coordination of existing transportation planning, operations, and services, might enhance transportation efficiency.

SHB 2033 says that revenues raised by a Regional Transportation Investment District must be allocated proportionally to member counties based on tax revenue generated and must be used for the benefit of the county within which they are generated. The district retains authority to manage debt and schedules and revenues from the entire district can be pledged to support bonds issued by the district.

The transportation investment plan within a single county can be modified if: the Board approves modifications that are limited to projects within the county; the modifications maintain equity among counties; and the voters within the county approve the changes. If the voters decline the plan modifications, the plan remains in place.

Public Works Bills That Have Survived the Cutoff

SHB 1063 is the Public Works Board loan list. The bill has passed both chambers is on the way to the Governor for his signature.

SHB 1734, revises the Washington State Building Code and replaces specific codes and standards published by the International Conference of Building Officials with codes and standards published by the International Code Council, Incorporated.

The Uniform Building Code is replaced by the International Building

Transportation and Public Works (continued)

Code and International Residential Code. The Uniform Mechanical Code is replaced by the International Mechanical Code, except that the standards for liquified petroleum gas installations shall be the NFPA 58 and ANSI 2223.1/NFPA 54. The Uniform Fire Code and Uniform Fire Code Standards are replaced by the International Fire Code, including standards of the National Fire Protection Association. Language is added to provide that the International Residential Code shall not take precedent over provisions regulating the electrical code, the plumbing code, nor the energy code.

The State Building Code Council is directed to review all nationally recognized standards and to incorporate minimum safety requirement into the code. Language requiring each county to administer and enforce fire code standards in unincorporated areas of the county is revised to include the International Fire Code. This revision also applies to administration and enforcement by any fire protection

district or political subdivision that assumes responsibility for fire protection activities.

SHB 1788/SB 5801 allows public bodies authorized to use the alternative public works contracting procedures to award public works contracts using a new procedure called a *job order contract*. The authority to use job order contracts terminates on July 1, 2007.

A job order contract is a contract where a contractor agrees to perform an indefinite quantity of public works jobs as defined under individual work orders over a fixed period of time.

ESHB 2056 modifies the public works bidding provisions. It prohibits a municipality that receives a written protest from a public works bidder from awarding the contract to anyone other than the protesting bidder without at least two full business days' notice of the intent to award the contract. It prohibits a low bidder who claims error and fails to enter into a contract from bidding on the same project again if a second or

subsequent call for bids is made. Finally it prohibits a public works general contractor/construction manager that receives a written protest from a subcontractor bidder from awarding the subcontract bid package to anyone other than the protesting bidder without at least two full business days' notice of the intent to award the subcontract bid package.

ESHB 2112 relates to alternative public works contracting procedures. It lowers the population threshold for counties to use the design-build and GC/CM procedures from counties over 450,000 to counties over 200,000. It requires the Joint Legislative Audit and Review Committee (JLARC) to study the use of general contractor/construction manager (GC/CM) procedures in public works projects. Finally it creates an oversight committee to examine the practices of the GC/CM procedures for public works projects.

Training

Registration Deadline Extended

CPO Training: Register now for ***Emergency Management Training*** in Pasco, Olympia and Everett and ***County Government Structure Roles and Responsibilities*** in Puyallup and Spokane.

Courthouse Ramblings

WASHINGTON COUNTIES SCHOLARSHIPS

Five \$1,500 scholarships available for children of county employees!

Application and Details are available on our Web page www.wacounties.org

DEADLINE - April 7, 2003

Retiring Clerk

Adams County Clerk Robert Blair is retiring on March 31, after 20 years in office. Well-wishers can write to Bob at 660 E. Scootney St., Othello, WA 99344. Happy retirement, Bob!

To All Counties: Thank You!

We received a fantastic response to our recent survey on emergency management. The information you provided us is very important to the planning for health and safety in our communities.

The Task Force is continuing its look at "the state of emergency management" in Washington's counties, cities and tribes, and will be reporting to the

Emergency Management Council. The Emergency Management Council is charged by state law to "advise the Governor and Director on all matters pertaining to state and local emergency management."

Thank you, again.

Tom Green, Chair
Emergency Management Council

Diane Oberquell, Co-Chair
Task Force on Local Program Assessment

Steve Jenkins, Co-Chair
Task Force on Local Program Assessment

Bill Vogler, Executive Director
Washington State Association of Counties

Sheriff Called to Active Duty

Clallam County Sheriff Joe Hawe has been called to active duty with the United States Coast Guard for an indefinite period of time as part of the war with Iraq. Hawe will remain in the country conducting terrorism investigations in the Northwest, or maybe in Washington, D.C. In his absence, please change his e-mail address to SheriffAdmin@co.clallam.wa.us so that his administrative staff can take care of any issues. His Undersheriffs will be in command while Hawe is gone. Investigation: Undersheriff Fred DeFrang at (360) 417-2463 and Jail and Support Issues: Undersheriff Joe Martin at (360) 417-2464.

Calendar of Events

2003 MEETINGS

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, RedLion 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 11-13

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

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

Calendar of Events (continued)

July 11-15 NACo Annual Conference, Milwaukee County, Milwaukee, WI	October 15 WCIF/WCIP A.C.E. Committee Meeting, Yakima	November 15-18 WASPC Fall Conference, Shilo Inn, Ocean Shores
July 16-18 Association of County Human Services (ACHS) meeting, Vancouver	November 17-20 WASPC Fall Conference, Campbell's Resort, Chelan	<u>2005 MEETINGS</u> March 3-4 NACo Legislative Conference, Marriott Wardman Park Hotel, Washington D.C.
July 29-August 23 IACREOT Conference, Denver CO	November 19-21 ACHS meeting, Seattle	May 11-13 WAPA Support Staff Training Program, Spokane
July 30 CPO Training, WCRP Sponsored Elective Course Title (TBD), Spokane	<u>2004 MEETINGS</u> February 27 - March 2 NACo Legislative Conference, Hilton Washington & Towers, Washington D.C.	May 23-26 WASPC Spring Conference, West Coast Wenatchee Center Hotel, Wenatchee
August 21 WCIP Board of Directors Rate Setting - Wyndham Gardens at SeaTac	April 21-23 WAPA Spring Training Program, Spokane	June 13-16 WSAC Summer Convention, Kennewick
September 3-5 WAPA Special Assault Training Program, Leavenworth	May 12-14 WAPA Support Staff Training Program, Chelan	June 22-24 WAPA Summer Conference, Chelan
September 7-9 WAPA Juvenile Training Program Leavenworth	May 24-27 WASPC Spring Conference, Yakima Convention Center, Yakima	July 15-19 NACo Annual Conference, City & County of Hawaii, Honolulu, HI
September 9-12 County & Regional Planning Directors/City Planning Directors Joint Conference, Campbell's, Chelan	June (Date TBD) National Sheriffs' Association meeting, Seattle	September 13-16 County & Regional Planning Directors/City Planning Directors Joint Conference, Campbell's, Chelan
September 17-19 ACHS meeting, Moses Lake	June 22-25 WSAC Summer Convention, Sheraton Tacoma, Pierce County	October 3-7 WACO/WSAC Joint Conference, Ocean Shores
September 18 WCIF/WCIP Insurance Advisory Committee 2004 Renewal Meeting, WCIP Board of Directors, WCIF Board of Trustees --- West Coast Hotel at SeaTac	June 23-25 WAPA Summer Conference, Chelan	<u>2006 MEETINGS</u> July 21-26 NACo Annual Conference, Denver, CO
September 29-October 3 WACO/WSAC Joint Conference, Doubletree Hotel, SeaTac	July 16-18 ACHS, Vancouver	<u>2007 MEETINGS</u> TBD NACo Annual Conference, Richmond, VA (Sponsored by the Counties in the Metropolitan Richmond Area
September 30 CPO Training, Ethical Dilemmas: Integrity as a Tool for Successful Public Officials (full day core course), SeaTac	July 16-20 NACo Annual Conference, Maricopa County, Phoenix, AZ	
October 1 WCIF Board of Trustees in conjunction with the WACO/WSAC Legislative Conference	September 14-17 County & Regional Planning Directors/City Planning Directors Joint Conference, Campbell's, Chelan	
	October 4-8 WACO/WSAC Joint Conference, Spokane	