

# the Courthouse Journal

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Washington Association of County Officials  
Washington State Association of Counties

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## Expect the Unexpected

We had reported in last week's *Courthouse Journal* that the House budget might not have the votes needed for passage. In fact, that budget failed to gain the necessary support to pass off the House floor and was sent back to committee for additional work. Various factions in the House are unhappy for a variety of reasons – not all of them having to do with budgets or taxes. While they might not agree about the nature of the problem, by late this week, they were beginning to coalesce around a solution. That solution, they say is to take Senate budget proposals, make a few changes and adjourn more or less on time. In the case of the operating budget, the changes focus on reversing health coverage reductions for low income children. As the *Courthouse Journal* goes to press, the House leadership was backing off many of its revenue proposals and preparing a new budget position.

The Senate has passed operating, capital and transportation budgets that it is willing to live with as final budgets. Senators (of both parties) have been telling anyone who will listen that they are ready to go home on time.

The Boeing Company visited Olympia this week to deliver a clear message that the Legislature must act to address key transportation bottlenecks, or its next plane would be built elsewhere. Despite the downturn in the commercial airplane market, Boeing remains the key manufacturing export company in the entire country. Its economic power in the central Puget Sound counties enables the state to fund schools and medical services across the state. Pressure is growing on Transportation Budget negotiators to resolve their differences. The outlines of an agreement would include the House moving up to the Senate tax level of 5 cents per gallon of gas and the Senate moving project funds from highway 405 to the highway 99 viaduct.

The Pierce County local option revenue proposal (**ESSB 5659**) passed the House and is before the Senate for concurrence. The House amended the bill in three ways. First, it exempted new cars from the new sales tax. Second, it required a third of new revenues to be spent on police coverage, clogged courts and overcrowded jails. Third, it required local governments exercising the new revenue options to undertake a number of quality management activities, including performance audits by the State Auditor. The House did not change the revenue or growth management provisions of the bill.

All of the negotiations take on new urgency with the news that Senate Majority Leader Jim West will undergo colon cancer surgery next week. Senator West has played a key, constructive role in this very difficult session. A special session without his leadership would be far more difficult. As a former deputy sheriff he has a real world understanding of the role counties play. We have appreciated that his door has been open to counties. We wish him a speedy and successful recovery.

## May County Calendar

- 1 Application for forest land designation is approved unless the county assessor has notified the applicant in writing of the extent to which it is denied. RCW 84.33.130
- 1 Open space farm and agricultural land application is approved unless the county assessor has notified the owner. RCW 84.34.035
- 26 Memorial Day Observed – Legal Holiday. RCW 1.16.050
- 31 The county assessor shall have completed the duties of listing and placing valuations on all property. RCW 84.40.040

## The Courthouse Journal

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

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## Courts, Law & Justice

### Legal Financial Obligations and Early Release

This week the House Appropriations Committee heard testimony from prosecutors on a proposed amendment to **SB 5990** which would incorporate **SB 6002** into that bill. **SB 6002** provides that county clerks will collect legal financial obligations of offenders previously supervised by the Department of Corrections. Proposed state budgets provide \$1.8 million for clerks' offices to assume the additional workload. County clerks were instrumental in development of the proposal. WACO President Greg Zempel spoke for the county clerks and cited the assumption of duties as another example of counties' willingness to partner with the state in difficult fiscal times.

San Juan County Prosecutor Randy Gaylord and WAPA Executive Secretary Tom McBride proposed to the committee that, DOC discontinue supervision of C and D offenders and discard the proposal's provision that would give some offenders 50% "goodtime" for early release. Just-released figures, according to prosecutors, bear out their argument that the state can realize the desired savings without potential risk to the public when burglars, car thieves and drug offenders are released early. WACO has supported the prosecutors' position.

**ESSB 5990** moved out of the committee late Wednesday without the prosecutors' suggested change and passed the House late Thursday night as amended by the committee.

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

## DNR Marina Rent Bill Goes Back to House

The House concurred with the Senate amendment and passed **SHB 1250** on April 22 by a vote of 97-0. This was Department of Natural Resources (DNR) request legislation that would determine annual rental rates for the lease of state-owned aquatic lands

Under the bill as of July 1, 2004, lease rates will be a percentage of the annual gross revenues generated by each marina. By enacting the change prior to July 1, 2003 the gross revenues that will serve as the basis for a marina's rent and a definition of gross revenues can be established. Annual rent must be recalculated each year based upon the marina's gross revenues from the previous year. By December 31, 2003, DNR will develop a recommended formula for calculating marina rents consistent with the new legislation and report the recommendation to the legislature. The formula recommended by the DNR must include a percentage or a range of percentages of gross revenues, a system for implementing such percentages, and the designation of the revenue sources to be considered for rent calculation purposes. DNR must also ensure the rent formula recommended is initially calculated to maintain state proceeds from marina rents as of July 1, 2003. The Senate amendment states if DNR does not receive income reporting forms representing at least 90% of the projected annual marina revenue and at least 75% of all marinas, the current model for calculating marina rents will continue to be the method used to calculate marina rents.

The bill is now on its way to the Governor for signature.

## County Treasurers – Status of Bills of Interest

**ESHB 1564**, the clean-up bill clarifying county treasurer fiscal provisions – Chapter 23, Laws of 2003.

**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) – Awaiting Governor's signature.

**SHB 1069**, authorizing a waiver of interest and penalties for property tax bills not sent to the taxpayer due to error by the county – Chapter 12, Laws of 2003.

**SHB 1086**, mobile home moving permits – Chapter 61, Laws of 2003.

## Tax Increment Finance Measure Still in Play

The expansion of tax increment finance legislation to include a state match to sales tax increment increase remains alive in the House. As reported previously in this Journal it includes revisions to the current property tax finance provisions that can result in significant revenue shifts from county to city coffers. WSAC and WACO, however, have been assured by the Governor's office that it supports a floor striking amendment to return to the original – and acceptable – language proposed by Governor Locke.

As amended by the Senate, **SSB 5364** allows creation of tax increment areas when taxing districts imposing at least 60 percent of the regular property taxes within an increment area approve of a project. This lowers the threshold required from the current 75% and is a stark contrast from the bill as introduced -- which would have required any government levying property tax to affirmatively opt into the tax increment area. This revision from current law would allow some cities – or cities acting in concert with a port district – may create a TIF area to finance infrastructure using property tax revenues that otherwise would go to the county general fund.

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## ***Elections, Licensing and Recording***

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### **Elections – Status of Bills of Interest**

**SHB 1160**, harmonizing election crimes and penalties and **ESHB 1158**, enhancing voting systems certification, died at the cutoff on the Senate calendar.

**SHB 1222**, requiring voting devices to be accessible to individuals with disabilities – Awaiting Governor's signature.

**SB 5463**, the pilot project for military and overseas voting on the Internet, died on the House floor at cutoff.

**HB 1106**, allowing the Secretary of State to make unannounced visits to county election offices and facilities to observe handling, processing, counting or tabulation of ballots – Awaiting Governor's signature.

**HB 1935**, changing prerequisites for county auditors calling special elections, died at the cutoff in the Senate Rules Committee.

**SSB 5221**, reorganizing the Title 29 election statutes, is on its way to the Governor's office. The Senate concurred with a House amendment to

reinstate current law requiring Saturdays to be considered a processing day for purposes of processing absentee ballots every third day after an election.

**SHB 1291**, providing for elections for flood control zone district supervisors, has passed the Senate and is on its way to the Governor's office.

**HB 1473** and **HJR 4206**, specifying when vacancies may be filled that occur after the general election, was amended by the Senate to limit the bill to situations where the successor is of the same party as the incumbent. The House concurred with the amendment and the bill is on its way to the Governor's office. Because **HJR 4206** is a constitutional amendment, it will appear on the ballot in November.

### **Licensing Bills**

**The following bills have been delivered to the Governor:**

**SHB 1036**, modifying subagent authority to process mail-in vehicle registration renewals.

**SHB 1592**, regulating special license plates

**SSB 5600**, regulating the disposition of returned licensed plates.

**SB 5970**, requiring that the family law handbook be provided when a person applies for a marriage license.

**HB 2249**, allowing members of the armed forces who are unable to renew a state-required license because of an out-of-state deployment or assignment to renew their licenses without having to pay any penalty for late renewal is being held on first reading in the Senate Rules Committee.

### **Recording**

**HB 1566**, giving county auditors the additional option of retaining electronic copies of claims, bills, and specified records was signed by the Governor and is now *C72 L 03* of Session Law.

### **County Auditor Priority**

**SSB 5477**, requiring the delivery of endorsements by recording officers has been delivered to the Governor.

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## ***Emergency Management***

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### **Kitsap, Skagit Pass Sales Tax for Emergency Communications Facilities**

This week Kitsap and Skagit counties became the second and third counties in the state to secure voter approval of a tenth-of-a-percent sales tax increase to support their multi-jurisdictional emergency communications centers.

Kitsap voters approved their ballot measure with a 68.47 percent yes vote, and preliminary returns show Skagit with a 61 percent yes vote. Both counties ran countywide mail-only elections with few other items on the ballots.

The extra tenth of a percent will raise \$2.8 million annually in Kitsap County and \$1.8 million annually in Skagit County. The new Kitsap sales tax will replace the final three years of

a 16-cents-per-\$1,000 property tax levy that otherwise would have been collected through 2006. The Skagit measure will help offset existing emergency communications costs, and commissioners say they will redirect the county's share of the savings to other public safety needs.

Thurston County approved the same sales tax increase last September with a 58.48 percent yes vote. The Legislature authorized the new local-option sales tax for emergency communications facilities last year. This funding source is in addition to the county 50-cent tax on land-line and cell phones, which must be used exclusively for E-911 services.

## Prospect for Water Law Reform Continue to Dim

As we head into the final days of the legislative session prospects for major water law reform are bleak. The Senate continues to insist that agreement on **SB 5028** (prohibiting water quality laws from limiting water rights decisions) must proceed any movement on other issues such as municipal water rights, well replacement, or stock watering. Unfortunately, the House, Senate, Governor's Office, the Attorney General, agricultural and hydropower interests are unable to agree on the scope and wording of **SB 5028**.

**HB 1336**, the legislation designed to provide financial assistance and policy guidance for watershed planning implementation, has passed both houses of the Legislature but remains on hold as of Thursday evening. It includes up to \$100,000 funding per year for three years for implementation. A ten percent matching contribution (which may be provided by in-kind goods and services directly related to coordination and oversight by the planning unit or any local, tribal or federal governments participating) is required. The bill also allows for up to \$50,000 per year for an additional two years. The measure requires completion of a detailed implementation plan within one year as a condition of receiving grants for the second and subsequent years.

The implementation plan must include strategies to provide sufficient water for (a) production agriculture; (b) commercial, industrial and residential use; and (c) in stream flows. The plan also must include timelines to achieve the strategies and milestones to measure progress.

Other provisions in **HB 1336** establish a procedure for a county to opt out of watershed planning – either on its own if its affected territory is less than five percent of the total territory within the management area, or with the consent of all other initiating governments if its territory is greater than five percent of the management area. The bill also will allow for state implementation through means other than rulemaking, if the planning unit

consents, and requires that plan amendment can occur only through the same type of negotiated process that resulted in the initial plan.

Another key requirement to aid plan implementation requires the Department of Ecology to report to the Legislature each year regarding statutory changes necessary to enable state agency approval or decision making needed to implement approved plans. **HB 1336** states that Ecology “shall use the plan as the framework for making future water resource decisions for the planned watershed or watersheds ... [and] rely on the plan as a primary consideration in determining the public interest related to such decisions.”

If the House agrees with the Senate-passed version described above, **ESHB 1336** will head to Governor Locke for his signature. A related measure that is close to final passage is **ESB 5073**, which will help counties, cities and special districts raise the required match for watershed planning implementation by clarifying that existing local water-related revenues may be used for watershed planning. **ESB 5073** also allows for intergovernmental agreements and efforts to fund water storage projects. The House and senate appear to have resolved minor differences on the content on **ESB 5073**, and it too may be headed to the Governor for signature.

Lost for the year, unless agreement is reached on **SSB 5028** (or a different posture is reached in the final 72 hours), is municipal water law reform, movement of agricultural water rights, well replacement and addition, stock watering clarification and trust water rights clarification.

## Storm water Fee Legislation Passes the Legislature

**ESHB 2088** requires local storm water programs to provide at least a 10 percent rate reduction for commercial buildings that have installed a rainwater collection system. The bill also would limit fees and charges on commercial timber land. Although several counties and cities had opposed this legislation throughout the process as interfering with local ratemaking authority, support

from both the business and environmental community could not be overcome.

## Island Annexation Bill Passes Legislature

**ESHB 1755** provides new methods for the six buildable land counties and cities to annex unincorporated islands. Annexations may be achieved by the development of interlocal agreements between cities and counties planning under the Growth Management Act (GMA). An area may be annexed by mutual agreement if it is within an urban growth area under the GMA and at least 60 percent of the area's boundaries are contiguous to two or more cities or towns.

In determining the percentage of the area's boundaries that are contiguous, there is no longer a requirement to calculate the percentage based solely upon whether the boundaries of a single annexing city or town are contiguous to the island; rather, in the event that multiple cities or towns border the island, the borders of all such towns or cities are included in the calculation.

If an impasse in the negotiations occurs, a procedure is established allowing a county to initiate the annexation process with other contiguous towns or cities.

There is no limitation as to the size of area that may be annexed and it is not required that the property to be annexed contain residential property owners. Procedures for public hearing are established and any ordinance adopted regarding annexation of an island territory is subject to referendum for 45 days. If a timely petition is filed by at least 15 percent of the qualified electors residing in the area to be annexed, the annexation can be approved by a majority of the voters in the unincorporated island territory.

The GMA is amended to provide that urban service areas or potential annexation areas designated for particular cities or towns may be included within an urban growth area.

## Standing Before GMA Hearing Boards Clarified in SSB 5507

SSB 5507 clarifies standing before the GMA hearing boards. The bill codifies the Washington State Court of Appeals holding in *Wells v. Western Washington Growth Management Hearings Board*, 100 Wn. App. 657 (2000).

As stated in *Wells*, "If a petitioner's participation is reasonably related to the petitioner's issue as presented to the Board, then the petitioner has standing to raise and argue that issue; if the petitioner's participation is not reasonably related to the petitioner's issue as presented to the Board, then the petitioner does not have standing to raise and argue that issue."

The *Wells* court concluded that this approach would further the GMA's goals of encouraging meaningful public participation in the local government planning process, helping to achieve local government compliance with the Act.

## New Shorelines Schedule Established in ESSB 6012

ESSB 6012 establishes the schedule for cities and counties to update their shoreline master programs beginning in 2011. The year 2011 was picked to coincide with the next complete round of GMA updates. However, between now and then, Whatcom and Snohomish counties have agreed to be early adopters. They will have until December 2005 to update their master programs.

The bill also establishes a new policy, that if the funding isn't provided at least two years in advance, the mandate to update slips accordingly. It also eliminates the requirement for the Department of Ecology to review and update the guidelines every five years. And it also eliminates the requirement that cities and counties review and update the master programs every seven years into the future.

## Revising Environmental Review Provisions through SHB 1707

SHB 1707, revising environmental review provisions, will improve the development approval process and enhance economic development. Counties and cities planning under the major requirements of the Growth Management Act (GMA jurisdictions) may establish categorical exemptions from the requirements of the State Environmental Policy Act (SEPA) to accommodate infill development. Locally authorized categorical exemptions may differ from the categorical exemptions established by the Department of Ecology (DOE) by rule. GMA jurisdictions may adopt categorical exemptions to exempt government action related to development that is new residential or mixed-use development proposed to fill in an urban growth area when:

- \* Current density and intensity of the use in the area is lower than called for in the goals and policies of the applicable comprehensive plan;
- \* The action would not exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan; and
- \* The applicable comprehensive plan was previously subjected to environmental analysis through an EIS according to SEPA.

Any locally adopted categorical exemption is subject to the DOE's rules specifying exceptions to the use of categorical exemption.

In addition, GMA jurisdictions must determine whether the analysis, review, and mitigation of adverse environmental impacts in GMA comprehensive plans and development regulations or other specified documents satisfying SEPA's procedural requirements for a development project if the statutory requirements are satisfied. GMA jurisdictions must issue determinations of nonsignificance (with or without mitigating conditions) under SEPA for projects under these circumstances. The

DOE's rules regarding project specific impacts that may not have been adequately addressed apply to any such determination.

## New Petition Method of Annexation on its Way to the Governor

SSB 5409 provides two new petition methods for cities to annex unincorporated lands. The first method is for land that is occupied, the petition must have 50% plus one of the registered voters and 50% plus one of the land owners sign the petition. If the threshold is met, then the city can proceed with the annexation without holding an election. The second method is for land that is unoccupied. The petition must be signed by a majority of the landowners based upon acreage.

## GMA Amended

The GMA is amended to require cities and counties to ensure comprehensive plans provide enough land for housing in **SB 5602**. A new section is added to the GMA requiring counties and cities subject to the GMA to ensure that, taken collectively, actions to adopt or amend their comprehensive plans or development regulations provide sufficient capacity of land suitable for development within their jurisdictions. The requirement for sufficient capacity refers to accommodating a jurisdiction's allocated housing and employment growth as adopted in the applicable countywide planning policies and consistent with the 20-year population forecast from the Office of Financial Management.

## Requirements for Industrial Projects of Statewide Significance Modified in SSB 5761

The definition of industrial projects of statewide significance is expanded 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 designated 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.

### **Ecology Announces Schedule for Comment on Impaired Waterbodies**

Beginning in late June, Ecology anticipates publishing the draft Clean Water Act 303(d) list of impaired waterbodies in Washington. There will then be a two-month process for public review and comment on the upcoming Integrated List of Waterbodies (category 5 is the list of impaired waterbodies needing a TMDL).

Because most of the data used in making the impairment determinations is in the form of hard copy – and not available digitally -- when the draft list is published it will be possible to see the basis for the listing decision but not the specific data that was used. Ecology anticipates that the 2 month review period will allow time to come look at the data or to get copies of the data. If data is available electronically, it will be made available in that form.

After the review period, the list will be submitted to EPA.

### **Salmon Recovery Funding Board 4th Round (FY 2003) Grant Cycle**

The Salmon Recovery Funding Board is seeking comments on the 4th Round Grant information posted on the IAC website. Written comments must be received by the close of business on April 29 to be considered by the SRFB at its meeting on May 1 and 2. There will also be an opportunity for public testimony to the Board on the afternoon

of Thursday, May 1.

Written comments should be sent to Salmon Recovery Funding Board, PO Box 40917, Olympia, WA 98504-0917, Fax: (360) 902-3026 or E-mail: [Salmon@iac.wa.gov](mailto:Salmon@iac.wa.gov).

## Obesity Linked to Cancer

Obesity plays a much larger role in causing cancer than researchers had previously believed accounting for 14 percent of cancers in men and 20 percent in women. This results from a large study by the American Cancer Society. The study estimates that 90,000 Americans die each year of cancer caused primarily by obesity and excess weight. That makes weighing too much second only to smoking as a preventable cause of cancer. The study has been published in the New England Journal of Medicine.

The researchers studied 900,000 people nationwide for 16 years to provide the first definitive understanding of the role of obesity in causing cancer. With only a few exceptions, being overweight increases the risk of virtually every form of cancer and the more overweight the greater the risk. In the highest weight group, men were 52 percent more likely to die from cancer than those of normal weight. For women, the risk increased to 62 percent more likely to die from cancer than those of normal weight.

The study confirms what the public health and cancer research communities have believed for some time. April is national public health month and this year's focus is on Healthy Eating and Active Living – a direct relationship to the obesity epidemic.

The study relied on the body mass index as the basis for determining overweight and obesity. Those overweight and obese were compared to the normal group, and statistical analysis was used to adjust for smoking and other risk factors. The understanding of what causes the excess cancers is limited. Fat tissue leads to an overproduction of estrogen and other steroid hormones that play a critical role in breast and other endocrine-related cancers. Excess insulin production and an increase in insulin like growth factor receptors, which have been associated with cancer, are also an effect of excess weight.

Obesity is also linked to gastro esophageal reflux – stomach acids pushing up into the esophagus - which has been shown to increase the rate of

various esophageal cancers. The incidence of esophageal cancer has increased dramatically over the past two years.

Obesity further exacerbates the effects of cancer. People who are obese are often reluctant to visit doctors because of shame or difficulty in traveling for appointments. Detection of cancer is often more difficult in the obese because excess tissues can obscure it. Additionally, fat absorbs chemotherapeutic drugs making treatment more of a problem.

Thirty percent of Americans are estimated to be obese with another 35 percent considered overweight.

## Continued Challenges to Pierce County Board of Health's Fluoride Mandate

The challenges continue to the mandate that certain water systems add fluoride to their water to fight tooth decay and related diseases. The News Tribune reported. The Superior Court upheld the authority of the Board of Health to regulate and supervise public health and determined that the order to fluoridate comes under that authority. That decision has been appealed to the Supreme Court which is expected to decide whether to hear the case after a briefing scheduled for May 28.

In the meantime, a group of citizens in Pierce County is sponsoring an initiative and petition drive to force a public vote before water suppliers can add fluoride to their drinking water. A Spanaway resident, who says she is allergic to fluoride said "This initiative is about our rights as communities, as voters, to make decisions. It is not about whether or fluoride is good or bad." The "Community Choice Initiative" was filed with the Pierce County Auditor last week. Once the ballot title is final, the group will have 120 days to collect 27,090 signatures. If the group is successful in gathering sufficient signatures, an election could occur sometime next year.

## Final Week for Human Services Legislation of Interest to Counties

The final week of the regular session is nearly over with Sine Die scheduled for Sunday, April 27. It looks like there might be at least one 30-day special session unless the House Democrats give in to the House Republicans and Senate Republicans and adopt a modified version of the Senate budget. It would still be difficult to finish technically in three days.

The remaining human services legislation of interest to counties is going through the final hoops prior to going to the Governor for his signature. Some of those bills that are just about ready are:

**ESB 5389**, providing for possible eviction upon any use of alcohol or drugs while in clean and sober housing;

**ESB 5396**, clarifying the authority of the court to order conditions such as treatment, urinalysis testing, Alcoholics Anonymous and abstinence from drugs or alcohol during a deferred prosecution;

**SHB 1655**, allows advanced registered nurse practitioners to designate special parking privileges for persons with disabilities;

**HB 1753** increases the ability to use nurse delegation in community settings;

**SHB 1813**, encourages expanded employment opportunities for persons with disabilities;

**HB 2261**, rewrites RCW 71A, the Developmental Disabilities statute to clarify the use of assessment tools for eligibility determination, the need to establish priority populations, the inclusion of supported employment in the definition of "habilitation", and the ability of the DSHS secretary to restrict services;

**EHB 1010** clarifies when to release a self-admitted youth from mental health treatment;

**HB 1612** requires parents to be given information regarding alternative mental health services when their child is leaving inpatient care;

**2SHB 1784**, implements the recommendations made by JLARC in their recently completed study of the public children's mental health system

## Public Health and Human Services (continued)

especially the collection of consistent data;

**ESHB 1787** creates a 211 information and referral network for social services statewide;

**ESSB 5223** authorizes the use of mental health advance directives for determining the desired treatment for the consumer;

**SSB 5473** requires the Criminal Justice Training Commissioner to train law enforcement officers to work with persons with developmental disabilities and mental illness.

### Human Services Bills Still in Contention

There are several bills in the human services area that are caught up in negotiations between the House and Senate and/or tied to one version of the budget or another. These include:

**E2SHB 1214/ESSB 5904**, increasing the availability of prescription drugs for seniors, authorizing the creation of a drug formulary for use by DSHS, the Health Care Authority and the state Department of Labor and Industries. The components of this bill are still being negotiated by Sen. Deccio (R-Yakima) and Rep. Eileen Cody (D – Seattle). They are anticipated to reach compromise on a piece of legislation this session;

**HB 2259** is the House bill that terminates the Becca truancy program and makes it optional in statute. The House budget reduces Becca \$7.1 million. The Senate budget includes funding for Becca;

**ESSB 5903** authorizes the courts to use two new juvenile sentencing alternatives. The bill currently includes a mental health sentencing alternative and a suspended sentence alternative. The House removed the community commitment program from the bill. Both House and Senate budgets include anticipated savings in the Juvenile Rehabilitation Administration and appropriate some funding to the courts and juvenile court administrators for the treatment and supervision components necessary for implementing these alternatives. However, these amounts differ and there is some concern from the

JRA about how the reductions would impact current treatment programs at the state level;

**ESB 5971**, provided for the closure of Fircrest when passed by the Senate. The House is still debating the merits of several proposed amendments including a striking amendment by Rep. Helen Sommers, Chair, House Appropriations, that would instead authorize DSHS to complete a plan to implement the consolidation of the Residential Habilitation Centers (RHCs) over the 2005-2007 biennium and removes the specific names of the RHCs from statute; and **2SSB 6017**, implements the reductions to the General Assistance-Unemployable program used in both budgets. However, the policy and size of the reduction differs. The Senate would make the program temporary with a 6-month time limit. The House would require the client to prove they have shown no material improvement in their capacity to retain benefits.

### Bills of Interest to Human Services Apparently Dead

It appears the DSHS bill to change the number of professionals required to complete competency evaluations has died again. This is the third or fourth year this bill has failed to make it all the way through. It will probably return next year. There is still some concern about allowing only one evaluator in certain circumstances (types of crimes that have been charged). This was **HB 1767**.

The annual request to establish an independent mental health ombudsman has died this year. This was **SB 5946**.

Unfortunately, it appears no tort reform bills will pass due to the impasse between the House and the Senate. While the argument is primarily over caps in settlements, the tool most desired by local government, i.e., law enforcement, area agencies on aging, and human services departments, would be joint and several liability and that also failed to survive. There is a commitment from House Judiciary Chair, Rep. Pat Lantz, to spend some time this summer working on our issues.

### Year of the Tribal Community Conference Announced

The North Sound Mental Health Administration (RSN) and the Tribes of the North Sound Region announce the Year of the Tribal Community conference for May 1 and 2 at the Skagit Resort Hotel in Bow, Washington. The sponsoring tribes include the Lummi Nation, Nooksack Indian Tribe, the Samish Indian Nation, the Sauk-Suiattle Indian Tribe, the Stillaguamish Tribe of Indians, the Swinomish Indian Tribal Community, The Tulalip Tribes, and the Upper Skagit Indian Tribe. Breakout sessions include community collaboration to address domestic violence, voluntary in-patient certification, raising a family in the tribal community, the tribal community and historical trauma, elder resources, public schools and the tribal community, and living in both worlds.

For additional information, please contact the NSMHA Tribal Liaison at 360-416-7013, ext. 226 or her secretary at ext. 225.

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## **Transportation and Public Works**

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### **LEG Passes Bill to Update State Building Codes**

After three long years, the legislature finally passes **SHB 1734**, the bill to update the state building codes. The Washington State Building Code is revised to replace 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 Code and International Residential Code.

The Uniform Mechanical Code is replaced by the International Mechanical Code, except that the standards for liquefied 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.

The International Residential Code will not take precedent over provisions regulating the electrical code, the plumbing code, or 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.

### **Deal in the Works for Transportation**

Both the House and the Senate have agreed to the nickel increase in the motor vehicle fuel tax. They have also agreed to the 15% increase in weight fees. They have not reached an agreement on an increase in the sales tax for cars. They are very close on reaching an agreement on the project list.

The RTID is still in play. The House would like the Senate to agree

with **HB 2209** as part of the package. It gives the RTID greater flexibility in what the funds can be used for, clarifies the bonding questions and provides a local option motor vehicle fuel tax equivalent to 10% of the state rate.

Commuter trip reduction is also on the table. The House is insisting on its approach in **SHB 2208**. It keeps the program mandatory in the nine counties and provides funding for local governments and employers to meet the program requirements.

# Calendar of Events

## **2003 MEETINGS**

- 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, Effective & Responsible  
Decision-Making, Moses Lake
- May 14 - 16  
WAPA Support Staff Training Program,  
Sun Mountain
- May 15  
CPO Training, Effective & Responsible  
Decision-Making, Puyallup
- May 19 - 22  
WASPC Spring Conference, WestCoast  
Grand Hotel, Spokane
- May 21 - 23  
Association of County Human Services  
meeting, Tri-Cities
- May 24  
Washington Association of Coroners and  
Medical Examiners' (WACME)  
Training, Olympia
- 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,  
Puyallup
- 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, Navigating Through  
Change and Risk Management, (in  
conjunction w/WSAC Annual Summer  
Convention), DoubleTree Valley Hotel,  
Spokane
- June 24  
WCIF Board of Trustees - WSAC  
Summer Conference/Spokane
- June 24 - 27  
WSAC Annual Summer Convention,  
Doubletree Valley Hotel, Spokane
- 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 8-11  
Washington State Association of County  
Assessors Fall Conference, Red Lion,  
Kennewick
- September 9-12  
County & Regional Planning  
Directors/City Planning Directors Joint  
Conference, Campbell's, Chelan
- September 11-12  
WSAC Fall Eastern District Meeting,  
Marcus Whitman Center, Walla Walla
- September 17-19  
Association of County Human Services  
(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, SeaTac
- October 1  
WCIF Board of Trustees (Conjunction  
with the WACO/WSAC Joint  
Conference)

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## **Calendar of Events (continued)**

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October 2

WSAC Fall Western District Meeting  
(Conjunction with the WACO/WSAC  
Joint Conference)

October 15

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

November 17-20

WASPC Fall Conference, Campbell's  
Resort, Chelan

November 19-21

Association of County Human Services  
(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

April 8-9

WSAC Spring Eastern District Meeting,  
Campbell's Resort, Chelan

April 22-23

WSAC Spring Western District Meeting,  
Heathman Lodge, Vancouver

May 12-14

WAPA Support Staff Training Program,  
Chelan

May 24-27

WASPC Spring Conference, Yakima  
Convention Center, Yakima

June (Date TBD)

National Sheriffs' Association meeting,  
Seattle

June 22-25

WSAC Summer Convention, Sheraton  
Tacoma, Pierce County

June 23-25

WAPA Summer Conference, Chelan

July 16-18

Association of County Human Services  
(ACHS) Meeting, 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)

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## Attachments

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### Site will map out state's sex offenders

*By John Dewese from The Daily Olympian, 4/24/04*

Washington residents soon might be able to visit an Internet site to see whether a registered sex offender lives in their neighborhood.

The Washington Association of Sheriffs and Police Chiefs created the Internet database so anyone in the state can look up the pictures and criminal histories of Level 3 sex offenders, Director Larry Erickson said.

"Some people have asked if this is an invasion of privacy, since these offenders have served their time," Erickson said. "The Supreme Court said it's public information and not punitive in nature."

The current Senate budget would provide \$250,000 during the next two years to support the site's daily operation. The proposal awaits House action.

Level 3 sex offenders are considered the most dangerous and likely to commit more crimes.

County sheriff's departments already are required to list local sex offenders on their Web sites, but Erickson said some counties do not have updated information or user-friendly search functions.

The proposed site will allow visitors to search by name or ZIP code for registered offenders.

The site also will have a map of Washington that shows the number of offenders per county.

The Washington State Patrol's Criminal History Division is working to update the site at least once a week, system administrator Al Lane said. The division currently keeps the records on all convicted criminals in Washington.

The site would not have been possible without the help of private citizens, association Assistant Director Linda

McHenry said. She said she hopes the site will launch as soon as the Legislature provides long-term funding.

A group of private citizens supporting Megan's Law donated more than \$660,000 in computers, software and time spent designing the site.

Megan's Law is named for Megan Kanka, a 7-year-old New Jersey girl who was raped and killed by a known child molester who had moved across the street from the family without their knowledge. After her death, the Kankas sought to have local communities warned about sex offenders in the area.

#### To learn more

The sex offender Web site for the Washington Association of Sheriffs and Police Chiefs will go up once the Legislature approves funding. Until then, residents can learn about high-risk sex offenders living in their neighborhoods by visiting the following Web sites:

-Thurston County: [www.thurstonsheriff.org](http://www.thurstonsheriff.org)

-Mason County:

[so.co.mason.wa.us/sexoff.html](http://so.co.mason.wa.us/sexoff.html)

-Olympia:

[www.ci.olympia.wa.us/police/registered\\_offenders.asp](http://www.ci.olympia.wa.us/police/registered_offenders.asp)

-Tumwater:

[www.ci.tumwater.wa.us/departments/police/sexoffender.html](http://www.ci.tumwater.wa.us/departments/police/sexoffender.html)