

# the Courthouse Journal

WWW.WACOUNTIES.ORG

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

**January 8, 2004  
Issue No. 1**

*Inside the  
Courthouse Journal*

**Environment, Land Use  
and Resources**  
Page 3

**Upcoming Workshops**  
Page 4

**CPO Training**  
Page 5

**Courthouse Ramblings**  
Page 7

**Calendar of Events**  
Page 8

Attachments  
(2004 WACO  
Legislative Priorities)  
Pages 10-12

**WSAC  
Legislative  
Rally  
Coming Soon**

See Page 2

## WACO President "Weather-Wise"

WACO President Mary Dodge certainly knew what she was doing on Monday when she cancelled the January 7-8 meeting of the Washington Association of County Officials Board of Trustees for the first time ever. The Board has rescheduled for January 21 and 22.

There was a collective sigh of relief from all around the state as all the predictions the "weathercasters" made proved to be true. Schools, courthouses and roads closed, flights were cancelled and conditions went from bad to worse as the week wore on and

temperatures plummeted.

The WACO offices were closed on Tuesday. The policy has been to follow suit with Thurston County and close when county offices close. The real bonus is that Thurston County updates its website by 6:00 a.m. daily and saves personnel a lot of hazardous driving.

Revised agendas for the Board of Trustees and associated committee meetings for the late January will be sent shortly.

## Potential for Deeper County Financial Crisis Looms

On January 2, the latest property tax cutting initiative was filed. The initiative does not yet have a number and its text is not available electronically. The copy we have received would reduce all regular levies for local governments (excluding school districts) by 25% beginning with the 2005 collections. This would include reductions to voter approved lid lifts. Any special levies would be excluded.

If this measure had been enacted in 2003, counties would have lost \$180 million in current expense levies and \$85 million in road levies. For most counties property tax remains the most significant source of funding. In addition, many of counties' local government partners in fire districts, hospital districts, cities and library districts depend heavily on the property tax. These entities would also be subject to the reduction starting in 2005. The initiative would require these local governments to levy 25% less than the maximum legal levy the district could otherwise impose.

As we all know, most counties will benefit little from any economic recovery, in part because of their extremely narrow and limited revenue base. Many counties have settled into a steady pattern of cutting each year to balance their budget. This sort of reduction would bring a sudden and dramatic escalation of those cuts. In addition, more and more counties have been forced to shift or divert road levies to meet their basic law and justice obligations. Statewide, law and justice expenditures account for 70% of county general fund expenditures.

At this time campaigns for and against the measure are organizing, as well as efforts to encourage citizens to carefully consider whether they wish to see this measure on the ballot. In addition, an effort is being made to revive proposals for a homestead property tax exemption.

## Remember To Mark Your Calendar! WSAC Legislative Rally Coming Soon

Registration information and more news about the WSAC Legislative Rally will be available next week to all commissioners, councilmembers and county executives.

Mark your calendar today to save February 5 for the Legislative Rally. In addition to the annual legislative briefing and lunch from 12:00 a.m. to 2:00 p.m., WSAC will host a reception for WSAC members that evening. The WSAC Legislative Steering Committee will meet the morning of February 6.

A CPO training on the Legislative Process still may be organized for the morning of February 5. Further information will be provided soon.

### The Courthouse Journal

Published weekly (during Legislative Session) and Bi-weekly (other than Session) by the Washington Association of County Officials (WACO) and the Washington State Association of Counties (WSAC).

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

Direct inquiries and correspondence to *The Courthouse Journal*, 206 Tenth Ave SE, Olympia, WA 98501-1131 or [www.wacounties.org](http://www.wacounties.org).

#### WACO STAFF

Phone (360) 753-7319 / Fax (360) 664-2812

**Debbie Wilke**, Executive Director  
**Michelle Hagen**, Deputy Director  
**Christina Bridston**, Programs Coordinator  
**Brenda Bamford**, Financial Operations Mgr  
**Kathie Houts**, Administrative Assistant

#### WSAC STAFF

Phone (360) 753-1886 / Fax (360) 753-2842

**Bill Vogler**, Executive Director  
**Paul Parker**, Assistant Executive Director  
**Maureen Morris**, Deputy Director  
**Sophia Byrd**, Policy Director  
*Law & Justice, Emergency Management*  
**Jean Wessman**, Policy Director  
*Human Services, Juvenile Justice, Housing*  
**Scott Merriman**, Policy Director  
*Transportation, Land Use*  
**Vicki Kirkpatrick**, Policy Director  
*Public Health & WSALPHO Administrator*  
**Tom King**, Associate  
*Research & Telecommunications*  
**Jim Potts**, Coordinator, Housing Outreach  
**Tom Robinson**, Coordinator, Timber  
**Trina Bannister**, Finance Manager  
**Ginni Peppert**, Events Planner / Adm Asst  
**Barbara Warden**, Meetings / Adm Asst  
**Beth Dubey**, Accounting & Business Asst.  
**Tom Jensen**, Technology Project Staff  
**Nicole Simpkinson**, Special Projects

### Senator Sheldon Proposes Legislation to Limit County Use of Rural Sales and Use Tax Credit

Senator Tim Sheldon (D-Mason County) has pre-filed legislation to require that the .08 sales and use tax credit used by rural counties for infrastructure development be used only for financing public facilities for economic development purposes, beginning July 1, 2004. He has scheduled a public hearing on the bill, SB 6113, for Friday, January 16, 2004 at 8:30 a.m. in the Senate Economic Development Committee.

Funds would be withheld from counties that do not use the money consistent with legislative intent and redistributed to be used by the Community Economic Revitalization Board on public infrastructure projects within the county.

Although legislation typically is prospective in effect unless specified otherwise, SB 6113 is drafted in such a way that long-term commitments of the rural sales and use tax credit would possibly fall within its purview.

Please contact Paul Parker at WSAC with comments and questions.

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

## Sand and Gravel Report Submitted to 2004 Legislature

Substitute Senate Bill 5305 established a committee made up of representatives of the governor's office, the aggregate industry, local government, and state agencies that either regulate the aggregate industry or consume significant aggregate resources. The committee was charged with: (1) examining the effect of the Growth Management Act on aggregate supplies for future construction; (2) the efficiency and effectiveness of the environmental review process for aggregate projects; (3) the efficiency and effectiveness of the existing regulatory framework for the aggregate and affiliated industries; (4) considering how the aggregate and affiliated industries should be regulated; and (5) preparing and submitting to the Legislature a report of its findings and recommendations.

The committee found the current regulatory framework cumbersome, poorly coordinated, and fraught with multiple opportunities for extensive permitting delays. It considers the designation of mineral resources of long-term commercial significance under the Growth Management Act as not being supported with good resource or environmental impact information, and the result is that inadequate resources have been designated to serve the state's need for construction aggregates in the future. The committee found that past efforts to address for some of these problems lacked sufficient funding and political support to have any significant impact on the problem.

Committee recommendations focus on a few critical items. The recommendations are:

1. Develop a statewide aggregate resource inventory database using the Department of Natural Resources' Geographic Information System and the existing Department of Natural Resources 1:100,000 geologic maps, supplemented with subsurface data where available and quality testing of the most promising

sources. The products would be electronic geographic information system maps and tabular database for each county.

2(a) Develop a statewide programmatic environmental impact statement for aggregate extraction and processing with the participation of all stakeholders so that a common environmental review framework exists for the various permitting processes at the state and local level.

2(b) Develop a model ordinance, based on the programmatic environmental impact statement and best management practices, for use by local government in regulating mining operations.

3. Involve the public and stakeholders in the development and review of the programmatic EIS and model ordinance through workshops, committee meetings, and outreach efforts.
4. Develop a coordinated permit process among the agencies with jurisdiction at the state and local level to simplify the application and environmental review process for construction aggregate projects. This process could be model after the JARPA process.

It is not known at this time whether legislation will be introduced to implement the Committee's recommendations.

## Ecology Releases Water Quality Assessment

The Department of Ecology (Ecology) has prepared a preliminary assessment of water quality in Washington. This assessment fulfills requirements found in sections 305(b) and 303(d) of the Clean Water Act. Assessed waters include all the rivers, lakes and marine waters in the state where data were available. The assessed waters are listed in five categories that

describe the status of water quality.

Category 5, the Polluted Waters category, is also the Section 303(d) List. For those waters that are in the polluted water category, beneficial uses- such as drinking, recreation, aquatic habitat, and industrial use - are impaired by pollution. Ecology will use the list of polluted waters to develop water cleanup plans, also known as Total Maximum Daily Loads or TMDLs.

Ecology will be releasing the draft assessment for public review on January 15, 2004 for a 60 day public comment period and will post it on their website. This is an early notice to allow you to get the workshops marked on your calendars. If you need more information please contact Ken Koch at 303d@ecy.wa.gov, or by phone at (360) 407-6782.

Tues. Feb 3: Spokane, 6:30 pm to 9:00 pm

Wed. Feb 4: Yakima, 6:30 pm to 9:00 pm

Tues. Feb 10: Everett, 6:30 pm to 9:00 pm

Wed. Feb 11: Longview, 6:30 pm to 9:00 pm

Thurs. Feb 12: Olympia 1:30pm - 4:00pm

---

## **Upcoming Workshops**

---

### **IAC to conduct annual Grants Workshops**

In late January, Interagency Committee for Outdoor Recreation (IAC) will conduct their annual workshops designed to assist agencies and organizations interested in securing grant funds for outdoor recreation and natural resource development and protection. IAC's goal is to provide information and distribute the materials applicants need to apply for grant assistance.

The dates and locations are:

Tuesday, January 27, 2004 - Spokane and Vancouver  
Wednesday, January 28, 2004 - Prosser and Bremerton  
Thursday, January 29, 2004 - Wenatchee and Mount Vernon

If you are interested in attending, reply to Jennice Kelly at [jennicek@iac.wa.gov](mailto:jennicek@iac.wa.gov) or call (360) 902-3000. Please indicate your name, agency or organization, the workshop location of choice, phone number, and email address reply by Thursday, January 15. You will then receive the printed announcement regarding these workshops.

For those interested in grants for salmon recovery projects, the Salmon Recovery Funding Board (SRFB) workshops will be held in early Spring 2004. Look for details on the web: <http://www.iac.wa.gov/srfb/grants.asp>

### **Workshop Agenda**

#### **9:30 a.m. Session A - Grants Program Overview**

IAC staff will talk about the grants offered in 2004, applicant eligibility requirements, policy materials needed, types of projects funded, and other relevant information.

#### **12:00 p.m. Questions and Answers** (Bring a sack lunch to eat during the 1/2-hour lunch break)

#### **1:00 p.m. Session B - Grants Process Overview**

IAC staff will detail the steps in the grants process that includes information on preparing the application, developing graphics for upcoming project presentations, and planning for the project review and evaluation sessions. A session on universal access will alert you to key issues in project planning and development.

For those that already know the grant(s) program needed, check our website for the 2004 calendars <http://www.iac.wa.gov/> They will show the application deadlines, project review meetings, evaluation dates etc. Select a grant program first, and then select Grant Schedule.

The 2004 Letter of Intent is also available. Go to: <http://www.iac.wa.gov/iac/docs.htm> Scroll down to Grant Application Forms and select the 2004 Letter of Intent. You may also select 2004 IAC Grants Table to view grants information and deadlines.

Specific grant application materials will be available on the website after January 30, 2004

---

# CPO Training

---

## SAVE THESE DATES

THREE, HALF-DAY CPO ELECTIVE CLASSES ARE SCHEDULED

### Legislative Relations

- How are decisions made?
- How well do you communicate with the legislature?
- What works – letters, phone calls, personal one-on-one visits?
- What is your role, or the role of your Association?

### Emergency Management for Local Officials

- What are your roles and responsibilities in an Emergency?
- What is your role in public information?
- What is the role of State Agencies – what is their authority?
- What are the functions of an Incident Command System?
- The latest information on Homeland Security and impacts in Washington State

### When Employer/Employee Actions make Front Page News

- What actions by public employers or employees become front page news
- How can you reduce your chances of being the Lead Story on the 6 O'clock News?
- What policies and procedures should be in place to reduce your liability?
- What do you provide and say to the media when they ask?

## Dates/Locations

Legislative Relations	February 5	Olympia
Emergency Management for Local Officials	February 19 February 25 February 26	Vancouver Colfax Ellensburg
When Employer/Employee Actions Make Front Page News	March 3 March 4 March 10 March 11	Yakima Mount Vernon Cheney Lacey

Watch for course announcements and registration forms in early January. Core courses offered in 2004 are Financial Management, Human Resources and County Government Structure, Roles and Responsibilities.

For more detailed information call (360) 753-1886 or log on to <http://www.wacounties.org/CPO/CPO.htm>

## ***Training and Upcoming Events***

<i>Training or Workshop</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
<b><i>JANUARY 2004</i></b>			
WCRP Training Liability re: Pre-Trial Release & Post-Conviction Community Supervision	Skamania Lodge, Stevenson	January 20 - 22	(360) 586-7447
<b><i>APRIL 2004</i></b>			
WAPA Spring Training Program	Spokane	April 21-23	(360) 753-2175
<b><i>JUNE 2004</i></b>			
Washington Association of Coroners and Medical Examiners' Training	Lake Chelan	June 21	(360) 427-9670, x 752
<b><i>JULY 2004</i></b>			
WCRP Summer Conference	Shilo Inn, Ocean Shores	July 20 - 22	(360) 586-7447
WCRP Risk Managers Training	Shilo Inn, Ocean Shores	July 20	(360) 586-7447
WCRP Board of Directors Workshop	Shilo Inn, Ocean Shores	July 21	(360) 586-7447
WCRP Annual Board Meeting	Shilo Inn, Ocean Shores	July 22	(360) 586-7447

---

## Courthouse Ramblings

---

Kittitas County Deputy Prosecutor **Margaret Penny Sowards** was appointed by Gov. Gary Locke to the Kittitas County Superior Court to ease the growing judicial caseloads in the Eastern Washington County. Sowards has been a senior deputy prosecuting attorney for Kittitas County, just one of two prosecutors now handling felony cases. She has also been a deputy county coroner – a role she will abandon when sworn in as judge. In addition, she is a member of the Ellensburg City Council.

A 1983 graduate of Mercer Island High School, Sowards earned a bachelor's degree in psychology from Claremont McKenna College in California, her J.D. from the University of Puget Sound School Of Law and was admitted to the Washington bar in November 1993.

As a new jurist, she joins a list of 175 superior court judges statewide, one-third of whom are women. Sowards, 38, is only the second woman to be a superior court judge in Kittitas County.

\* \* \* \* \*

Walla Walla County Treasurer **Kent Osborne** resigned from office on December 30, citing health problems and stress. Although his resignation was to take effect immediately, county commissioners have asked Osborne to stay on for six months to ease the transition for a successor. He has been treasurer since 1993 and has been working in the treasurer's office for 30 years.

\* \* \* \* \*

Skamania County Treasurer **Sandra Willing** has also announced her retirement, effective February 1. Sandra was sworn into office in December of 1990. Prior to that, she worked in the treasurer's office part time for 18 years and full time for 12 years. Both Willing and Osborne's retirements are well-deserved and we wish them many happy years with family and friends during their retirement years.

\* \* \* \* \*

*Did it snow at your house?* WACO has it from a reliable source that the recent Westside snow storm was precipitated by **John Sweetman**, King County Assessor's Office (and former Ferry County Assessor). Having moved to Vashon Island via Spokane and previously Republic, Sweetman promised his staff snow... *real* snow... not the weenie Westside frozen water stuff.

While they laughed at him for bringing his snowshoes and snowplow to Vashon... John clearly had the last laugh!

## **Calendar of Events**

<b>Meeting</b>	<b>Location</b>	<b>Date</b>	<b>Information</b>
<b>2004</b>			
Washington State Association of County Auditors Legislative Mini-Conference	Olympia	January 20-21	(360) 753-7319
Washington Association of County Officials (WACO) Board Meeting	Olympia	January 22	(360) 753-7319
Washington State Association of County Treasurers' Legislative Meeting	Olympia	January 26-27	(360) 753-7319
Washington State Association of County Assessors	Olympia	February 3 - 5	(360) 753-7319
WSAC Legislative Rally & Reception	Ramada Inn – Governor's House, Olympia	February 5	(360) 753-1886
NACo Legislative Conference	Hilton Washington & Towers, Washington, DC	February 27 – March 2	www.naco.org
Washington State Association of County Auditors Recording Conference	Sun Mountain Lodge, Winthrop	March 16 - 18	(360) 753-7319
Washington State Property Records Education Partners (PREP) Meeting	Sun Mountain Lodge, Winthrop	March 19	(360) 753-7319
WSAC Spring Eastern District Meeting	Campbell's Resort, Chelan	April 8 – 9	(360) 753-1886
WCRP Risk Managers Roundtable	Icicle Inn, Leavenworth	April 14	(360) 586-7447
WCRP Spring Board Meeting	Icicle Inn, Leavenworth	April 15	(360) 586-7447
Washington Association of Prosecuting Attorneys (WAPA) Spring Training Program	WestCoast Ridpath Hotel, Spokane	April 21-23	(360) 753-2175
WSAC Spring Western District Meeting	Heathman Lodge, Vancouver	April 22 – 23	(360) 753-1886
Washington Association of Prosecuting Attorneys (WAPA) Support Staff Training Program	Campbell's Lodge, Lake Chelan	May 12-14	(360) 753-2175
WASPC Spring Conference	Yakima Convention Center, Yakima	May 24 – 27	(360) 486-2380
Washington Association of Prosecuting Attorneys (WAPA) District Court Training Program	Icicle Inn, Leavenworth	June 3-4	(360) 753-2175
Washington State Association of County Auditors' Annual Conference	Lakeway Inn, Bellingham	June 16 - 18	(360) 753-7319
Washington Association of Prosecuting Attorneys (WAPA) Summer Training Program	Campbell's Lodge, Lake Chelan	June 23-25	(360) 753-2175
National Sheriffs' Association	Seattle	June 26 - 30	www.sheriffs.org
County Clerk's Association 2004 Summer Conference	North Bonneville Hot Springs Resort, Skamania	June 22 - 25	(360) 753-7319
County Treasurer's Association 2004 Summer Conference	Heathman Lodge, Vancouver	June 22 - 25	(360) 753-7319
WSAC 98 <sup>th</sup> Annual Summer Convention	Pierce County, Sheraton, Tacoma	June 22 – 25	(360) 753-1886
IACREOT 33 <sup>rd</sup> Annual Conference	San Antonio, TX	July 15-24	
NACo Annual Conference	Maricopa County, Phoenix, AZ	July 16 – 20	www.naco.org

## **Calendar of Events (Continued)**

WCRP Annual Board Meeting	Shilo Inn, Ocean Shores	July 22	(360) 586-7447
Washington Association of Prosecuting Attorneys (WAPA) Juvenile Training Program	Icicle Inn, Leavenworth	September 12-14	(360) 753-2175
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 14 – 17	www.geocities.com/wsa crpd
Washington Association of Prosecuting Attorneys (WAPA) Drug Training Program	Icicle Inn, Leavenworth	September 15-17	(360) 753-2175
WACO/WSAC/WAPA Joint Fall Conference	Red Lion Inn at the Park, Spokane	October 4 – 8	(360) 753-7319
WASPC Fall Conference	Shilo Inn, Ocean Shores	November 15 – 18	(360) 486-2380
Washington Association of Prosecuting Attorneys (WAPA) Winter Meeting & Banquet	Crowne Plaza Hotel, Seattle	December 9-10	(360) 753-2175
<b>2005</b>			
NACo Legislative Conference	Marriot Wardman Park Hotel, Washington, DC	March 3 – 4	www.naco.org
Washington Association of Prosecuting Attorneys (WAPA) Support Staff Training Program	WestCoast Ridpath Hotel, Spokane	May 11-13	(360) 753-2175
WASPC Spring Conference	WestCoast Wenatchee Center Hotel, Wenatchee	May 23 – 26	(360) 486-2380
WSAC 99 <sup>th</sup> Annual Summer Convention	WestCoast Hotel at Columbia Center, Kennewick	June 13 – 16	(360) 753-1886
WAPA Summer Conference & Training Program	Campbell's Lodge, Lake Chelan	June 22 – 24	(360) 753-2175
IACREOT 34th Annual Conference	New York, NY	June 28 – July 8	
NACo Annual Conference (City & County of Hawaii)	Honolulu, HI	July 15 – 19	www.naco.org
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 13 – 16	www.geocities.com/wsa crpd
WACO/WSAC Joint Fall Conference	Ocean Shores	October 3 – 7	(360) 753-7319
<b>2006</b>			
WSAC 100 <sup>th</sup> Annual Summer Convention	Whatcom County, Bellingham	June / TBD	(360) 753-1886
IACREOT 35th Annual Conference	San Francisco, CA	July 2-7	
NACo Annual Conference	Denver, CO	July 21 – 26	www.naco.org
<b>2007</b>			
NACo Annual Conference (Sponsored by the counties in the Metropolitan Richmond Area)	Richmond, VA	TBD	www.naco.org
IACREOT 36th Annual Conference	Charlotte, NC	July 14-22	

---

# Attachments

---

## Washington Association of County Officials 2004 Legislative Package

*Adopted by the WACO Membership at the WACO/WSAC Annual Conference  
in SeaTac, Washington on Friday, October 3, 2003.*

### TAXATION

**1. RECOMMENDATION:** To include incidental use language in the Open Space Timber Land Statute (84.34.020 RCW) to mirror the incidental use language in the Timber and Forest Lands Statute (84.33.034(4)). The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products in conjunction with land producing these products.

**Explanation:** This will allow both the timber statutes, Open Space Timber Land and Timber and Forest Land to be consistent. Property in either category would include contiguous property in the classification even though it may not be used directly in the actual growing of timber. The legislation recognizes there are uses "incidental" to the growing of timber that contribute to the function.

**2. RECOMMENDATION:** To support legislative review of property tax exemptions (similar priority adopted by WACO in 2002 Legislative Session).

**Explanation:** A periodic review of property tax exemptions promotes fairness and equity. Currently, property tax exemptions equal twice the revenues collected, and exceed the state biennial operating budget. The fiscal impact would be positive. Should exemptions expire due to invalidity or ineffectiveness, the tax levy rates would decrease.

**3. RECOMMENDATION:** Clarify and streamline county treasurers' administrative statutes.

**Explanation:** Making technical changes to county treasurer statutes, including topics such as dealing with unclaimed property of the deceased which has no value; reinforcing current investment pool language; expanding affidavits of destruction for abandoned mobile homes to property owners (mobile home park owners have the authority now); clarifying language concerning penalties for failure or refusal to list personal property; reinstating language pertaining to deadlines for writing off interest and penalties on real estate conveyances; and tax lien language cleanup.

**4. RECOMMENDATION:** Requiring a \$5.00 fee on all Real Estate Excise Tax (REET) transactions.

**Explanation:** The fee would be collected and deposited into a special fund to be used solely for the purposes of developing electronic technology for processing REET. Five dollars would be collected for three years on each REET transaction and would then drop to \$2.00 to be used for maintenance of the systems statewide. Proceeds would be equally divided and distributed back to each county monthly, so that small counties would advance at the same pace as their larger counterparts.

### ELECTIONS

**RESOLUTION:** A resolution passed by the memberships of the Washington Association of County Officials and the Washington State Association of Counties, October 3, asking the Governor to call a special session to cancel the 2004 Presidential Primary, saving between \$6 and \$7 million.

**Outcome:** The Governor called legislators into a special session on December 5 and a bill was passed and later signed by the Governor to cancel the Presidential Primary for 2004 only. Democrats choose delegates to their National Convention solely through caucuses and the Republicans select only one-third of their delegates from the Primary and already know their nominee will be President Bush. In a time of economic hardship for the state, legislators decided it would be foolish to waste millions of dollars on an exercise that would be meaningless.

### GENERAL GOVERNMENT

**1. RECOMMENDATION:** Add language to statute to clarify that the term "chief financial officer" applies to charter counties only.

**Explanation:** In the 1995 Legislative Session, legislation was passed to “clean up” several State Auditor statutes. The resulting language is ambiguous and an amendment is necessary to clarify that “chief financial officer” refers only to the office in a charter county that is responsible for performing the same duties as the county auditor in a non-charter county.

**2. RECOMMENDATION:** Raise the surcharge for the preservation of historical documents from \$2.00 to \$5.00.

**Explanation:** The current \$2.00 surcharge added to the recorded document fee for historical document preservation is not adequate for the multitude of county records needing preservation by imaging technology or other preservation and access systems. The proposal would increase the O & M fee to \$5.00.

**3. RECOMMENDATION:** Remove the state forensic pathology fellowship program from joint oversight of the University of Washington and the Forensic Investigations Council and allow the Council to administer a state forensic pathology program to better provide delivery of forensic pathology services to the counties of the state.

**Explanation:** Many counties do not have forensic pathology services available to them and to meet that need, the forensic fellowship program was established. The position has been difficult to fill in recent years and has been vacant most of the time. Most fellows leave to accept permanent employment when it is offered. The Forensic Investigations Council is made up primarily of local officials whose studies have determined a state forensic pathologist would better meet the need for forensic services and would better utilize the resources provided by the death investigations account, for which the Council has oversight. The Council is charged with the improvement of the death investigations system in the State.

## LAW & JUSTICE

**1. RECOMMENDATION:** Codify in RCW 10.79 the process and conditions for a search warrant using electronic tracking devices.

**Explanation:** In a recent murder case, law enforcement obtained a warrant to attach an electronic tracking device to a suspect’s car and the evidence obtained with the device used to convict the offender was upheld in the Supreme Court. This proposal codifies the process obtaining a warrant for electronic tracking devices. It sets out the conditions for the warrant, the length of time it will apply, the ability to get extensions, and an emergency procedure that would require submittal to the court within 49 hours of the attachment. It would be crime for law enforcement to use an electronic tracking device without complying with the statute.

**2. RECOMMENDATION:** Clarify that the husband-wife privilege does not include “acts directly witnessed by husband or wife.”

**Explanation:** Current law often acts as a sword against the evidence of a criminal act rather than as a shield for the institution of marriage. Spouses are prevented from testifying to crimes committed in their presence by an offender to whom they happen to be married. The current statutorily created husband-wife privilege in RCW 5.60 does not differentiate between “communications” made between a husband and wife and “acts directly witnessed” by a husband or wife. This proposal would draw a distinction between those two situations.

In recent years, Washington has had several homicide cases where spouses committed the crimes jointly and one spouse decided to testify about the deaths. That evidence was not allowed to be admitted against both spouses. This proposal would leave communication privileged but would allow a spouse to testify to what they saw if they chose to and would allow testimony to be admitted to the court or jury. If both spouses were acting in a criminal conspiracy, probable cause would have to be found by the court.

**3. RECOMMENDATION:** Define the information regarding law enforcement officers and their families that may be made available to the public.

**Explanation:** Law enforcement personnel are very concerned about the safety of their families and the risk of identity theft due to the recent successes of many individuals who have obtained the officers’ addresses, phone numbers and financial information. There have been instances where families have been threatened through use of this information. This proposal would ask the legislature to establish limits to the information that is available.

**4. RECOMMENDATION:** Amend the bill that passed last session that provided for the early release of felons from custody.

**EXPLANATION:** ESSB 5990 was passed in the 2003 legislature and allowed for the early release of non-violent offenders incarcerated in state correctional facilities. Law enforcement interests will recommend to the legislature that there needs to be a clarification of eligibility guidelines to restrict the early release for individuals convicted of assault, any firearms violations, and methamphetamine manufacturing charges. The proposal also recommends that the supervision of early release offenders be addressed. A “retooling” of the bill will provide added public safety.

## COURTS

**1. RECOMMENDATION:** Adjust Superior Court fees by reducing, eliminating or increasing various fees to accommodate the demand of the general public and, in some cases, more accurately reflect the costs of processing some documents.

**Explanation:** Three amendments to the fee structure are being proposed:

- Currently the statute only provides a fee for certified copies of records held by the county clerk. Often a certified copy is not necessary for the requestor. Creating a reduced fee for non-certified copies would save expense to the public for copies available by e-mail, on compact disc or off the internet.
- Fees are eliminated for filing oaths and affirmations of office and disclaimers of interest because of the minimal processing time.
- Filing fees for registration of land titles and for processing a change of venue would be increased to \$20 to better reflect the actual costs of the process.

**2. RECOMMENDATION:** Modify RCW 2.08.050 to allow that official seals may be embossed, inked or printed to allow for the certification of electronically transmitted documents.

**Explanation:** The current statutes for the certification of documents are so antiquated that it refers to “wafer or wax.” The amendment will provide a means to transmit certified documents electronically and accommodate new technology.