

# the Courthouse Journal

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Washington Association of County Officials  
Washington State Association of Counties

January 16, 2004  
Issue No. 2

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## A Busy Week for Sales Tax Sourcing

This week there were four hearings on sales tax sourcing. The hearings have focused on building legislative understanding of the issues involved. WSAC has been stressing the benefits of proceeding and the need for a strong mitigation program. The retailers have explained to legislators that if sourcing and streamlining do not pass many large retailers will be forced to separate their catalogue and internet business. This will result in massive sales tax losses for state and locals treasuries. They have also talked about the jobs that will be lost if brick and mortar businesses continue to face unfair competition from remote sellers that do not collect tax.

As legislators have begun looking at the

data on winners and losers, they have begun to understand why the counties have arrived at their position in support of state funded mitigation. The winners under sourcing are predominately low tax base jurisdictions. To ask them to give up this modest revenue enhancement and return it to some of the richest jurisdictions in the state makes no sense. WSAC argues that an automatic mitigation fund of \$15 to 20 million per year is money well spent to improve the business climate for retailers.

Next week, the House Finance Committee plans to hear specific mitigation proposals.

## It's Time to Rally...

**Senator Bill  
Finkbeiner.**

**Senate Majority Leader**  
*Guest Speaker*

**Senator Frank Chopp**  
**Speaker of the House**

*Guest Speaker - Invited*

**11:30 am - 1:00 pm**

## Who:

- All County Commissioners, Councilmembers and Executives

## What:

- Legislative Briefing and Luncheon
- Legislative Reception

## Where:

- Ramada Inn - Governor's House

**When:** February 5, 2004

- Luncheon - 11:00 am – 1:30 pm
- Reception - 5:30 – 7:00 pm

## More Info:

- Call (360) 753-1886
- [www.wacounties.org/wsac/](http://www.wacounties.org/wsac/)

### The Courthouse Journal

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

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

# Budget, Finance and Taxes

## County Treasurers' Association Bills

The County Treasurers' Association has bills in both the Senate and in the House concerning its Treasury Management proposal, which is also part of the WACO Legislative package. The bill numbers are **HB 2579** and **SB 6296**. The Senate hearing on **SB 6296** will be held on Tuesday January 27, at 1:30 p.m. in the Senate Government Operations and Elections Committee.

Other treasurers' bills on raising the Real Estate Excise Tax (REET) fees and REET for processing water rights are still being drafted and Legislative Chair Rose Bowman is securing sponsors.

## Treasurers' Legislative Meeting

The county treasurers will be meeting at the Washington Counties Building on Monday, January 26 and Tuesday, January 27. In addition to catching up on all legislative issues and other business, meetings with legislators have been planned. On Monday, the group will have lunch with Senate Ways and Means Chair Joe Zarelli. On Tuesday, they are meeting with Peri Maxey, Department of Revenue, and most likely State Treasurer Mike Murphy.

## Chief Financial Officer Bill Heard

**HB 1594**, regarding the chief financial officer in a charter county, was heard by the House Local Government Committee on Thursday. A substitute bill, offered by Representative Jim Moeller, embodies the amendment that was agreed upon by WACO and WSAC in October. Testimony in support of the substitute was given by Kitsap County Auditor Karen Flynn, who chaired the associations' interim committee; Island County Auditor Suzanne Sinclair, WSACA President; and Mason County Auditor Al Brotche, WACO Board Member. Thurston County Auditor Kim Wyman, WSACA Legislative Co-Chair and Skamania County Auditor Mike Garvison also attended.

Senator Jean Berkey, prime-sponsor of **HB 1594**, appeared to present the bill. It is not often a senator has sponsored a house bill but Senator Berkey just recently moved to the Senate seat.

## Tax Increment Finance Amendments Back in Play

Current law allows counties, cities and ports that in the aggregate levy 75% of the regular property taxes on property within the area to create a Tax Increment Finance (TIF) district in which future property tax revenue would be redirected to repay debt used to build new infrastructure. There is almost no guidance in statute regarding the size and boundary of the TIF district and there is no time limit on its existence. Because of the possible revenue impacts to fire districts, the legislature has allowed them to opt-out of TIF district creation and subsequent revenue diversion.

In the 2003 session, cities, ports and the Governor proposed to expand the existing TIF statute to allow diversion of sales tax in the TIF area and to provide a match from the state of up to \$1 million. WSAC was neutral on this proposed expansion so long as counties had the opportunity to choose whether to participate in a TIF district. As introduced by Governor Locke, any local government would have to agree to divert its future revenue to the TIF area.

The Senate eliminated the provision for local "opt-in" to TIF and insisted that when cities and ports levy 60% or more of the regular property taxes within the TIF area, they may be create TIF districts without county agreement. By precluding county elected officials from choosing whether to redirect property tax revenue from the county general fund to repay TIF district debt, the legislature would have created a precedent of authorizing city elected officials to direct property tax revenue away from county needs to economic development projects of the city's choosing. Unable to persuade the Senate to return to the original bill, WSAC joined others opposing the legislation and it did not pass.

The proposal is back in 2004 and scheduled for hearing in Senate Ways and Means on Tuesday, January 20 at 3:30 p.m. Senator Zarelli (R-Clark County), the prime sponsor of **SB 5364**, has developed a revised version. It allows cities and ports that levy 60% or more of the regular property taxes within the TIF area to create tax increment districts. However, his 2004 version also requires that the county continue to receive its share of the increased value attributed to the base. As in current law, it would continue to redirect 75% of the new construction revenue to repay tax increment district debt.

Although the Tri-Association Package supports "tax increment program authority that benefits cities and counties," WSAC and WACO both believe that county "opt-in" to TIF creation is essential to any amended TIF program. Otherwise cities, in many cases, would gain the unprecedented ability to redirect future revenues from the unincorporated area to fund TIF improvements within a city.

## Assessors Incidental Use Bill Drops in the Senate

**SB 6216** defining timber land to include certain incidental uses represents one piece of the Assessors' legislative priority for the 2004 Session. The bill deals with the Open Space Timber Land Statute 84.34.020 RCW and would allow 10% incidental use of property within the Open Space Timber Land program.

This legislation would 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.

The bill has been referred to the

# Budget, Finance, and Taxes (continued)

Committee on Natural Resources, Energy & Water. I do not expect any opposition to this legislation and as the impact on the public is all positive. Please contact your members on the Senate Natural Resources Committee so that a hearing will be scheduled on the bill.

## Bills of Interest to Assessors

Four days down, fifty-six to go ... and here for your reading pleasure are bills that have been dropped that may impact your office.

**HB 1039** this is a bill resurrected from last year that would allow short subdivision to be governed by the statutes, ordinances, and regulations in effect at the time of approval for a period of 5 years. Any changes would not affect the subdivision for that period.

**HB 1801** relates to annexation by cities based on utility services provided.

**HB 2316** changes the public disclosure statutes adding personal information about a judicial officer, law enforcement officer, or corrections officer, or the officer's immediate family, or other information necessary for the effective operation of an officer's agency or office and could lead to the discovery of the officer's or their immediate family's residential address or telephone number.

**HB 2339** gives tax relief to the aluminum smelters in your counties. While the relief is not property tax, many of you have expressed an interest in this industry.

**HB 2369** ensures landlocked property owners may obtain a private way of necessity across state lands.

**HB 2370** relates to condominium created before 7-1-90 and requires the declaration to state the formulas or methods used in establishing the allocation of expenses to homeowners.

**HB 2435** would exclude certain veteran benefits from the income calculation for the retired person property tax relief program.

**HB 2436** would increase the combined disposable income threshold for the

senior exemption program.

**HB 2445/SB 6132** would provide property tax and other incentives for solar energy manufacture.

**HB 2472** would exempt the surviving spouse of a fallen emergency responder from the state property tax levy.

**HB 2506** provides for access roads to private property surrounded by certain public lands.

**HB 2519/ SB6205** Authorizes voter approved property tax levies for criminal justice purposes.

**HB 2547/SB 6141** fixes a loophole and clarifies the property taxation of vehicles carrying exempt licenses. This is a DOR bill in conjunction with the Department of Veterans Affairs.

**SB 6197** provides a tax exemption for property that has declined in value due to shoreline or growth management regulation.

**SB 6206** would create a trust for criminal justice funding.

**SB 6211** would amend 84.52.0531 to change the school district levy base calculations.

**SB 6216** this is the Assessors priority legislation that would allow for incidental use under the Open Space Timber statutes. Please see the related article.

There are also a number of bills dealing with the PERS Retirement System. They include:

**HB 2535**, service credit purchase;  
**HB 2536**, early retirement buy down;  
**HB 2538**, minimum monthly retirement;  
**HB 2539**, retirement annual increases;  
**HB 2540**, retirement vesting.

## Pension Bills Up for Hearing

Next week the House Appropriations Committee will hear bills recommended by the pension policy committee. Proposals include the creation of a new stand-alone plan for jail and prison employees, as well as bill permitting PERS Plan 2 and 3 members to buy extra service credit or early retirement using

401k or deferred compensation funds.

## Focus on Solutions

Over the next two weeks the legislative budget committees will be hearing issues highlighted by the need for a Department of Corrections supplemental budget. For many legislators with other priorities, it was an unpleasant surprise to find that corrections caseload was the largest item in the supplemental budget. This item is composed of several components. One is the cost of prisoners whose community custody is revoked. The Governor is requesting funds for DOC to house them or provide financial support to counties who otherwise could not house these inmates. Another component is an unexpected flow of inmates to prison despite changes in drug sentencing.

Recent meetings between DOC, legislative staff and county association staff have focused on identifying our mutual challenges and potential solutions. There has been a healthy focus on how two financially stressed levels of government can work together to meet our obligations to house offenders. WSAC and WAPA have been surveying counties to bring current information about jail issues to the table (thanks to all of you who have taken time from your busy schedules to respond).

WSAC's message has been that as the state and counties struggle to balance our budgets, we must not think we can unilaterally dump our deficits on each other. At the same time the state needs to understand that in some cases there is just no capacity left at the local level. This message is being heard. Many state fiscal decision makers are very aware of the impact a dramatic reduction in property tax revenue would have on counties. They understand that many of their key services are delivered by counties.

## Busy Week Coming for House Criminal Justice and Corrections

The House Criminal Justice and Corrections Committee has a full agenda next week. On Tuesday, at 10:00 a.m. the committee will hear **HB 2358**, eliminating duplicative sentencing enhancements for drug offenses with a deadly weapon verdict; **HB 2359** altering the amount of earned release time available for certain jail inmates; and **HB 2363**, eliminating the supervision of certain probationers by the department of corrections.

Wednesday, January 21, the committee meets at 1:30 pm. To hear **HB 2322**, requiring pre-hire screening for law enforcement applicants; **HB 2374**, the duty of sheriffs to develop best practice standards for law enforcement agencies; investigations by sheriffs of allegations against elected; and, **HB 2379**, providing training of law enforcement officers to reduce deaths. **HB 2379** is also known as the "Saul Gallegos" bill. Gallegos was a Chelan County deputy who was killed in the line of duty last summer.

On Friday at 8:00 a.m., there will be a work session on the effectiveness and availability of drug treatment for prison bound offenders and a public hearing on **HB 2309**, transporting residents of secure community transition facilities; and, **HB 2342**, regulating residences of sex offenders under supervision.

Sheriffs and interested parties are encouraged to comment on any bills introduced and forward their comments to WACO. To view any bills, go to [www.leg.wa.gov](http://www.leg.wa.gov) and click on bill info.

## Plea Agreements and Victims Have Day in Judiciary

The House Judiciary Committee will be hearing several plea agreement and victim related bills on Friday, January 23, at 1:30 p.m. They include:

**HB 2311**, ensuring victims the right to express their view concerning a plea

agreement.

**HB 2312**, clarifying victims' right regarding plea agreements.

**HB 2315**, Prohibiting plea bargains in multiple capital murder cases.

**HB 2389**, concerning aggravated multiple murder cases.

## Domestic Violence Day

The House Juvenile Justice and Family Law Committee will consider several domestic violence bills on Wednesday, January 21, at 6:00 p.m. They include:

**HB 1949**, providing financial assistance to victims of domestic violence.

**HB 2392**, requiring law enforcement domestic violence policies.

**HB 2397**, imposing penalties against convicted domestic violence offenders.

**HB 2398**, revising provisions relating to notice of modification or termination of protection orders.

**HB 2841**, increasing marriage license fees to fund domestic violence programs.

## Civil Indigent Defense

**SB 6244**, providing funding for certain justice systems activities, was introduced this week by Senator Larry Sheahan. The bill increases fees and creates an office of civil legal services. County clerks are urged to review **SB 6244**. The bill has not been set for hearing.

## The Week in Review for Courts and Public Safety

**SB 6121**, filing a will before a testator's death, was heard in Senate Judiciary. It will clear up a grey area in the county clerk's office and is sponsored by Senator Stephen Johnson.

**HB 1151**, dangerous wild animals, is being heard in House Judiciary today, January 16. Lewis County Sheriff John McCroskey and Cowlitz County Sheriff Bill Mahoney will testify with concerns about the bill. 23 counties responded to a survey recently with 22 objecting to a

mandate from the state and cited lack of personnel, training, facilities and liability issued.

**SB 6136**, electronic tracking devices, is up for hearing in Senate Judiciary as the newsletter is being compiled. SB 6136 is a priority issue for county prosecutors and WACO.

## County Clerks' Bills of Interest

**HB 2580**, relating to fees charged by counties, and **HB 2581**, authorizing official seals, have both been introduced. **HB 2580**, fees has been referred to House Local Government, and **HB 2581**, the seal bill, has been referred to House Judiciary. Clerks are urged to contact Representative Sandra Romero to request a hearing on **HB 2580** and Representative Pat Lantz to request a hearing on **HB 2581**. They are chairs of the respective committees. Representative John Lovick is the sponsor of both.

## Relief for Counties

Senator Mark Doumit and Representative Brian Hatfield have introduced bills that will allow counties to ask their voters what they want to pay for. **SB 6205** and **HB 2519** would allow counties to take levies of up to 50 cents per thousand for criminal justice purposes to the voters. In addition, Senator Doumit has also sponsored **SB 6205**, which would divide revenues from public trust land between schools and law enforcement programs and **SB 6300**, revising the criteria for reimbursement to counties for criminal justice costs.

## Jan. 20 Hearing on County Liability Bills

County officials who will be in Olympia on Tuesday, January 20, are encouraged to stop by the 1:30 p.m. House Judiciary Committee hearing on **HB 2485** and **HB 2486**, both of which will help limit liability costs for counties and others. Both bills are WSAC legislative priorities and are included in the Tri-Association legislative package.

County officials also are encouraged

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## ***Courts, Public Safety, Law and Justice (continued)***

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to contact their representatives to support these bills. Representative Patricia Lantz, a Democrat representing parts of Pierce and Kitsap counties, chairs the Judiciary Committee. A full roster of committee members and their email addresses can be found at [www.leg.wa.gov/house/opr/JUDI/](http://www.leg.wa.gov/house/opr/JUDI/)

**HB 2485** will set a maximum interest rate on tort judgments at 4 percent above the federal Treasury bill rate. The current interest rate is 12 percent, well above commercial rates – even on many consumer credit cards. This bill is essentially the same as a bill that last year passed out of House Judiciary and Appropriations committees on strong bipartisan votes, and passed the Senate as part of an omnibus bill.

**HB 2486** will allow a court to admit

into evidence whether a plaintiff in an auto accident lawsuit was wearing a seatbelt at the time of the accident. Current statutes prevent a jury from ever hearing this evidence, even when it would be legally relevant. Counties are often named as defendants when the accident occurs on a county road, and under the rules of joint liability they pay more than their share of fault because they are not allowed to submit evidence that the driver was not buckled up and may have contributed to the accident or injuries.

### **County Risk Pool Director Named to State Board**

Governor Gary Locke has appointed John Crawford to a four-year term on the state Property and Liability Advisory Board. Crawford is the executive

director of the Washington Counties Risk Pool, a joint insurance pool serving 28 counties.

The Property and Liability Advisory Board assists the state risk manager in adopting rules governing the operation and management of both individual and joint self-insurance programs covering liability and property risk. It also assists in reviewing and approving the creation of joint self-insurance programs covering property and liability risks.

# Elections, Licensing and Recording

## Privacy Issues

**HB 2316**, protecting personal information about judicial, law enforcement, and corrections officers from public disclosure was heard in House State Government Committee on Tuesday, January 13 at 1:30 p.m. The bill would add a new exemption to the current exemption for personal information maintained in public agency employee files. The new exemption applies to any information that (1) is necessary for the effective operation of a judicial, law enforcement or corrections agency, and (2) could easily lead to discovery of the residential address or telephone number of a judicial, law enforcement or corrections officer or his or her immediate family.

It became evident during testimony that this bill bears watching, Representative Nixon suggested striking the first part of the exemption and having the exemption apply to all records in all public offices. Testifying in opposition to the bill was Rowland Thompson, Allied Daily Newspaper. Larry Erickson, the Executive Director of the Washington Association of Police Chiefs and Sheriffs testified with concerns about the impact this type of broad exemption would have on other government offices. Those testifying in favor of the bill and wishing to broaden its scope so the exemption would include all records in all public offices was Bill Hansen, Executive Director of the Washington Council of Police and Deputy Sheriffs and Rick Jensen, lobbyist for the Washington Troopers Association. Also, in attendance were Thurston County Auditor Kim Wyman, and Chief Deputy BG Sandahl. All parties agree that this is an issue that deserves attention, but the scope of this particular bill is too broad, and logistically would be virtually impossible to implement and track in public offices.

## Department of Licensing Fee Study Report

In Senate Highways & Transportation Committee on Thursday, January 15

representatives from the Department of Licensing presented a fee study report for both the Vehicle Services Division and the Driver Services Division. If anyone is interested in obtaining a copy of either one of the studies please contact Brenda Bamford at 360-753-7319 or [bbamford@wacounties.org](mailto:bbamford@wacounties.org)

## Hearings Next Week

Resurrected from last year are **SB 5428**, allowing alternative means of renewing driver's licenses and **SB 5455**, creating a pilot program for renewal of driver's licenses by subagents, both of these bills will be heard in Senate Highways & Transportation Committee on Thursday, January 22 at 3:30 p.m. in Senate Hearing Room 1.

**HB 2481**, increasing marriage license fees to fund domestic violence programs will be heard in House Juvenile Justice & Family Law committee on Wednesday, January 21 at 6 p.m. in House Hearing Room C. The bill adds \$10 to marriage licenses. The money is to be transmitted monthly to the State Treasurer to deposit in a domestic violence prevention account.

## Voter Verified Paper Trail for Electronic Voting

The Senate Government Operations and Elections Committee held its first meeting of the legislative session, Wednesday, with a public hearing on a draft proposal to require electronic voting machines to produce a voter verified paper trail. Under the Help America Vote Act of 2002 (HAVA), all punch card voting systems are to be eliminated by January 1, 2006 and in Washington State they will be replaced with touch screen or similar voting machines. The proposal, from the Secretary of State's office, also includes language concerning certification of the machines; prohibiting machines to be connected to any electronic network, including the Internet; creates a Washington Voting Systems Board; and makes it a class C felony for anyone to tamper with a paper record produced by an electronic voting system. Secretary of State Sam Reed and Elections

Director Dave Elliott testified before the committee in favor of the proposal, but the committee chair did not call up the county auditors. The proposal does not yet have a bill number because county auditors and the Secretary of State are still fine tuning the language.

## Debate Begins on Replacement of Blanket Primary

Secretary of State Sam Reed appeared before the House State Government Committee, Thursday, advocating a "modified blanket primary" similar to the "Cajun Primary" in Louisiana. That is, voters would be able to choose candidates from any party, with the two top vote-getters advancing to the general election, regardless of party affiliation. However, unlike Louisiana, voters would not have to register by party. The 9<sup>th</sup> Circuit Court of Appeals declared Washington's blanket primary unconstitutional, and even though the State has filed a petition with the U.S. Supreme Court to overturn that decision, it is unlikely the case will be heard. In the meantime, the Legislature will be spending this session trying to come up with a replacement.

County Auditors also testified on the issue, asking that they be involved in whatever discussions there are because they must administer the new system. Auditors' Legislative Co-chairs Pat McCarthy, Pierce County, and Kim Wyman, Thurston County, as well as Auditors' Association President Suzanne Sinclair, Island County, were present and gave valuable input on the matter to committee members. Also weighing in on the issue was the Washington State Grange, which has filed an initiative to the people to replace the system with the same Cajun Primary proposal that the Secretary of State favors. A representative from the Governor's office said the Governor currently favors the Montana system – Open Primary, Open Choice – that requires voters to choose only one party's ballot, with no record kept of which ballot the voters chooses and no registration of voters by party.

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## ***Elections, Licensing and Recording (continued)***

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Today (Friday) the State Government Committee will hear from the political parties. No bill numbers in either the House or the Senate as of yet.

### **Auditors' Legislative Mini-Conference**

County Auditors will be meeting at the Washington Counties Building on Tuesday, January 20 and Wednesday, January 21. All legislative issues will be covered and several guest speakers will be there as well, including Marty Brown, Director of the Office of Financial

Management; Secretary of State Sam Reed and Dave Elliott, Elections Director; Doug Ellis, Director of Public Outreach with the Public Disclosure Commission, Fiscal Note Analyst Sara Battin; Pat Halstead, Department of Licensing; and Debbie Wilke, WACO Executive Director. On Wednesday morning, from 7:00 to 8:30 a.m., a breakfast will be held with legislators at the Mason Jar Restaurant, and Senator Jim Kastama and Representative Mike Armstrong will be attending lunch that day to discuss the Washington State Primary.

### **Primary Election Hearings Next Week**

On Tuesday, January 20, the House State Government Committee will again take up primary election issues, at 1:30 p.m. and the Senate Government Operations and Elections Committee will hear testimony for the first time on Open Primary, Open Choice and a modified blanket primary, Wednesday, January 21, at 1:30 p.m.

## Water Legislation Struggles Out of the Box

Work over the interim by Jim Waldo, the Governor's Water Advisor, is struggling to survive in the first week of the Legislative session. Waldo had developed two bills, to be Governor Request legislation, one revising the "use it or lose it" doctrine and the other ensuring instream flows.

Several interest groups are unhappy with the proposals and the process. The relinquishment (or "use it or lose it") bill – not yet introduced – is expected to include the following:

- confirm water right quantities based on highest use between January 1994 and December 2003
- confirmation would recognize current relinquishment exceptions and exemptions and new exceptions
- over time repeal relinquishment and replace with abandonment
- require annual notification to Ecology of anticipated water use
- 20-year statewide water rights adjudication

The instream flow bill, **HB 2396**, would:

- set instream flows by rule
- require development and implementation of streamflow implementation programs (SIPs) in all watersheds
- impose a moratorium on new water rights until SIP approved by Ecology
- provide funding for instream flows
- direct Ecology and Fish and Wildlife to implement SIPs not completed locally

The environmental community, unhappy with **HB 2396**, has introduced **HB 2393** as an alternative guarantee of flows and funding. A hearing on these two bills is scheduled for Tuesday, January 20 in the House Agriculture and Natural Resources Committee, but there are rumors it may be cancelled. Among agricultural and municipal interests, there are disagreements over the relinquishment bill and strategy. So far there is no one committed to sponsor the bill. Stay tuned.

## Hearing Scheduled on North Central Washington Cougar Management Pilot

**SB 6118**, creating a pilot program for cougar management in Ferry, Stevens and Okanogan Counties, is scheduled for hearing in Senate Parks, Fish and Wildlife on Tuesday, January 20 at 1:30 p.m. Sponsored by Senator Bob Morton (R-Ferry County) at the request of WSAC, the bill allows for expanded hunting of cougars in those three counties over a three year period, with a report to the Legislature by Washington State University.

## Major SEPA Change Proposed

Legislation to preclude an agency proposing a project from SEPA lead agency status will be heard in the House Fisheries, Ecology and Parks Committee on Tuesday, January 20 at 1:30 p.m. **HB 2335**, sponsored by Rep. Shay Schual-Burke (D-King County). For projects sponsored by an agency, the lead agency would instead be determined by agreement developed pursuant to the SEPA rules among all agencies with jurisdiction and agencies with special expertise regarding the environmental impacts involved.

## Electronic Waste Bills to be Heard in House Fisheries, Ecology and Parks

**SB 2487** - Prohibiting hazardous electronic material from being disposed of in a solid waste landfill – is being heard next Friday at 1:30. The bill would become effective January 1, 2006, prohibiting all persons from knowingly disposing of covered electronic products except by delivery to a person collecting covered electronic products. Also effective January 1, 2006, no owner or operator of a solid waste landfill, energy recovery facility, or incinerator may knowingly accept hazardous electronic material for disposal in the landfill, energy recovery facility, or incinerator.

**SB 2488** – Requiring electronic product management – is also being

heard next Friday at 1:30. This bill establishes a requirement for manufacturers of covered electronic products to develop, implement, and finance a plan for the collection and recycling or reuse of twenty percent, by weight, of the covered electronics sold by the manufacturer in Washington. Thereafter, every manufacturer must increase the recycling and reuse of all covered electronic products ten percent, by weight, per year for five years – to reach 70% recycling or reuse by June 30, 2011. The bill also creates an Electronic Product Management and Recycling Advisory Committee consisting of at least representatives of covered electronic product manufacturers, covered electronic product retailers, waste haulers, cities, counties, recyclers, labor organizations, environmental organizations, and public interest organizations. The advisory committee is responsible for making grants and loan for electronic product management activities. Levies a \$5.00 fee on the retail sale of new covered electronic products for a period of five years, beginning January 1, 2005.

## GMA Workgroup's Policy Recommendations

The House Local Government Committee and the Senate Land Use Committee both held work sessions on the GMA Work Groups recommendations. The workgroup negotiated a series of policy statements and bill language to implement them. The work group has reached an agreement on the following topics: 1) providing development flexibility in the Limited Areas of More Intense Rural Development; 2) changing the sequence of designating and development of industrial land banks; 3) providing appropriate commercial and retail development that supports agriculture on agricultural lands; 4) a new definition of best available science; 5) creating a new account to help fund habitat enhancement on agricultural lands. We are still negotiating on a bill language that will extend the comprehensive planning updates out to 10 years. The Legislative Steering Committee

## ***Environment, Land Use and Resources (continued)***

discussed and adopted the recommendations of the GMA workgroup.

These bills will be heard during the third week of session. Staff will be calling to ask for members to testify in support of these bills. The GMA workgroup bills introduced so far are listed below:

**SB 6237/HB 2563** - Provides non agricultural commercial and retail uses that support and sustain agricultural operations.

**SB 6238/HB 2622** - Provides development and redevelopment flexibility in Limited Areas of More Intense Rural development.

**HB 2514** - Provides the new best available science definition.

### **Other Land Use Bills of Note**

**HB 2335** - Changes the designating of the lead agency for public proposals under the state environmental policy act

**HB 2337** - Provides flexibility to the developer over impact fees. They could pay the fee or provide services or land.

**SB 6196** - Allows single family development outside of urban growth areas in areas where housing is not affordable for first time homebuyers.

**SB 6197** - Provides a tax exemption for property that has declined in value due to

shoreline or growth management regulations.

**SB 6199** - Eliminates impact fees in areas where housing is not affordable for first time homebuyers.

### **Key Land Use Hearings Next Week**

January 19<sup>th</sup>, 1:30 pm, House Local Government-**HB 2373** prohibiting local governments from limiting a citizen's ability to protect their homes from fires by removing or trimming potentially dangerous trees or vegetation from around their homes.

January 22<sup>nd</sup>, 1:30 pm, House Local Government, **HB 2337** provides options for impact fee requirements. **HB 2353** allows the extension or expansion of urban governmental services when necessary to protect public health.

January 19<sup>th</sup>, 4:30 pm, Senate Land Use, **SB 6197** providing a tax exemption for property that has declined in value due to a shoreline or GMA regulation.

January 22<sup>nd</sup>, 1:30 pm, Senate Land Use, **SB 6224** prohibits certain natural resource agencies from exceeding federal requirements in economically distressed counties.

### **Awards for Outstanding Recycling Professionals**

The Washington State Recycling Association (WSRA) is seeking nominations for outstanding recycling professionals, innovative government administrators and everyday folks making a measurable difference to improve the economic vitality and environmental well being statewide. Awards include: Recyclers of the Year for Individual, Business Primary, Business Generator, Public Agency, Institution, and Recycling Innovation, Outstanding Public Education, K-12.

Winners are selected by a diverse volunteer committee composed of waste reduction educators, garbage collectors, recycling processors, government leaders and environmental advocates. Awards will be presented at the WSRA Annual Banquet on Tuesday May 4th, 2004 in Wenatchee, Washington.

Detailed criteria for award categories and nomination forms are available on the WSRA website, <http://www.wsra.net> or by simply calling the WSRA offices (206) 244-0311 for a fax or email copy. Nominations are due by March 1, 2004.

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## ***Public Health and Human Services***

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### **Bills Prohibiting Smoking in Public Places**

**SB 5791** and **SB 6231** which would prohibit smoking in public places state-wide will be heard by the Senate Health Care Committee next Thursday. Like the recent ban passed by the Tacoma-Pierce County Board of Health, these bills would prohibit smoking in all public places. The ban would protect workers and patrons from the effects of second-hand smoke which is a known health hazard. Data collected have shown that smoke-free ordinances and

statutes have not negatively impacted restaurants and bars in any of the areas studied including New York State; Massachusetts; Fort Wayne, Indiana; Arlington, Austin, Plano, and Wichita Falls, Texas; California and Colorado, among others. The studies also showed that in many of these areas, going smoke-free has increased restaurant and bar business. While restaurants and bars catering to smokers fear a loss of business, the studies have shown that not to be the case in reality. It is difficult to calculate the loss of business from non-smokers choosing not to patronize a

facility that allows smoking. Nearly 80% of Washington residents are non-smokers.

**SB 5876** is also being heard at the same hearing. **SB 5876** clearly authorizes local governments to restrict or prohibit smoking in public places. This bill would remove the real or perceived preemption of local government to regulate smoking within their jurisdiction.

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## Transportation and Public Works

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### H-Transportation Committee Holds Work Session on the Regional Transportation Investment District and Regional Governance

Over the last two days, the committee held work sessions on other models of regional transportation governance around the region. They had a comparative analysis of Central Puget Sound, Portland Metro and Greater Vancouver B.C Regional District. Rep. Murray has made it clear that he would like the committee to look at a new regional governance structure. The committee expressed some frustrations with current structure and the difficulty in making system wide improvements.

The Committee also discussed **HB 1960**. This bill was introduced last session to start the discussion about new governance and implementation structures.

The committee also held a work session on **HB 2531**. This bill amends the current RTID statute to remove the current restrictions on where the money

can be spent. The money could be spent on any project or program in a state or regional transportation plan. It also extends the authority to all the remaining 36 counties and cities within to create regional investment districts. The funding mix is changed to: allowing an increase of 2/10% in the sales tax only for transit, HOVs and commute trip reduction programs. The local option gas tax is increased to 20% of the state motor vehicle fuel tax rate and a new 7.5% sales tax on motor vehicle fuels.

### H-Transportation Committee Holds Work Session on the Regional Transportation Investment District

Councilmember Nelson provided an update from the RTID executive committee and presented their legislative requests. Councilmember Patterson presented the results from the recent poll conducted to help the RTID prepare a ballot measure. Executive Simms asked the committee to help change the statute so the RTID can prepare a ballot measure that has a chance of succeeding.

### Key Transportation Hearings Next Week

January 19<sup>th</sup>, 3:30 pm-House Transportation Committee **HB 1960**

January 21<sup>st</sup>, 3:30 pm House Transportation Committee-Modifying the Governance of the State Transportation System

January 20<sup>th</sup>, 3:30 pm-Senate Highways-**SSB 5585** creating new RTIDs in the 36 remaining counties.

### Energy and Utilities

**HB 2340** - Allows person developing new transmission lines or expanding or reconstructing existing transmission lines that operate in excess of 115 kilovolts may use the EFSEC process to obtain siting approval for the transmission lines. The applicant would bypass the local permit process if the choose to utilize the EFSEC process.

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## Boards and Commissions

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### Appointment Available to Jail Industries Board

A county commissioner or councilmember interested in representing WSAC on the Jail Industries Board should contact WSAC staff Sophia Byrd by February 1, 2004. The three-year appointment will be made by the WSAC board of directors at its February meeting. WSAC's current representative, Commissioner Bill Lehning, is eligible and has submitted his name for reappointment.

The Jail Industries Board (JIB) shapes policies regarding inmate work programs in jails across the state. The JIB manages issues of private sector business

involvement, encourages the growth of enterprises owned and operated by local jurisdictions, and seeks to broaden the dialogue about appropriate uses of inmate labor.

The JIB conducts its work during one-day meetings held quarterly at various locations around the state.

More information about the JIB is available from WSAC staff Sophia Byrd at [sbyrd@wacounties.org](mailto:sbyrd@wacounties.org).

### County Risk Pool Director Named to State Board

Governor Gary Locke has appointed John Crawford to a four-year term on the state Property and Liability Advisory

Board. Crawford is the executive director of the Washington Counties Risk Pool, a joint insurance pool serving 28 counties.

The Property and Liability Advisory Board assists the state risk manager in adopting rules governing the operation and management of both individual and joint self-insurance programs covering liability and property risk. It also assists in reviewing and approving the creation of joint self-insurance programs covering property and liability risks.

## ***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>FEBRUARY 2004</i></b>			
CPO Training - TBD	Ramada Inn - Governor's House	February 5	(360) 753-1886
CPO Training - Emergency Management 101	Water Resources Education Center, Vancouver	February 19	(360) 753-1886
CPO Training - Emergency Management 101	Community Education Training Center (CETC), Colfax	February 25	(360) 753-1886
CPO Training - Emergency Management 101	Ellensburg Inn, Ellensburg	February 26	(360) 753-1886
<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

**“There ought to be a Law –  
Understanding the Legislative Process  
and Your Roles and Influence in the Outcome”**

- How ideas become laws in the legislative process?
- How well do you communicate with the legislature?
- What works – letters, calls, or personal one-on-one visits?
- What is your role, or the role of your Association?

**Location:** February 5 Olympia



**“Are you Prepared - 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

**Locations:**

February 19	Vancouver
February 25	Colfax
February 26	Ellensburg



**“Minimizing Risk:  
When Employer/Employee Actions make Front Page News”**

- What actions by public employers or employees becomes 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?

**Locations:**

March 3	Yakima
March 4	Mount Vernon
March 10	Cheney
March 11	Lacey

**More Info/Registration:** <http://www.wacounties.org/CPO/CPO.htm>

**Coming Attractions in 2004 – CPO Core Courses**

★Financial Management

★Human Resources

★County Government Structure - Roles and Responsibilities.

## Training and Upcoming Events (continued)

### Washington Economic Development Association to Hold Economic Development Leadership Training

The Washington Economic Development Association (WEDA) will hold a one-day economic development leadership training as part of their two-day Winter Conference at the Red Lion Hotel in Olympia on **February 11, 2004**. The training is designed for newly elected officials, board members and new staff in economic development

Confirmed speakers at the forum include Maury Forman, Education Director of the Washington State Department of Community, Trade & Economic Development, Gary Smith, Economist for Washington State

University. Our luncheon speaker will be Jim Sorenson, a corporate facilitator and consultant, who will speak about Leadership in Economic Development. Jim was the highest rated presenter at Washington's Economic Development Games in 2003. Also on the agenda are economic development practitioners throughout the State of Washington discussing "Best Practices in Economic Development". Online registration is available at: [http://www.wedaonline.org/weda/winter\\_legislative\\_conference.htm](http://www.wedaonline.org/weda/winter_legislative_conference.htm).

The training will provide an overview of economic development including a look at the myths of the Washington economy, what it takes to be a leader in economic development and the different types of economic development with case examples. These will provide

attendees with skills that they can use in their communities.

Registration is \$70 for members and \$95 for non-members. Registration includes: **Learning to Lead: A Primer on Economic Development Strategies** a general overview of the major issues related to economic development. The intent of the book is to help decision-makers make informed choices regarding their community strategies. And, **The Ten Commandments of Economic Development**, a small 10-page book that gives a community words to live by if they want to be successful in their economic development program. Both books are co-authored by Maury Forman, one of our guest speakers. For further information please call Melissa Dulin – 509-777-0525.

## Courthouse Ramblings

As mentioned last week, Skamania County Treasurer Saundra Willing is retiring, effective February 1. She has been with the Treasurers' office for a whopping 43 years, the last 13 as

treasurer (January 1960 through January 2004!). There will be a retirement reception for Saundra on Wednesday, January 28, at the Skamania County Courthouse Annex

meeting room, in Stevenson, from 2:00 until 4:00 p.m. Everyone is invited. If you have questions, please call Cherie at 509-427-9410. Congratulations to Saundra!

## Good Things

### Pierce County Wins Award

The American Planning Association has awarded Pierce County's Chambers Creek Properties Master Site Plan with the 2004 Current Topic Award - Parks & Public Land. This national award is given to a plan that demonstrates a balanced and equitable use of public lands, broad community support, transferability of lessons and methods, significance of the planning role, and likelihood of long-term impact.

Through the use of quality design standards, native plant restoration and sustainable development practices, the county plans to turn a working gravel mine with a regional wastewater treatment plant and urban canyon into a premier public recreation facility.

The 935-acres Chambers Creek

Properties is a unique public site. Transformed by 150 years of logging and mining, the site is being returned to biological productivity using treated waste products as nutrients. Planned development includes revenue generating uses to provide long-term operating revenues for 10 miles of trails, beach access, two public piers, a boat launch, ball fields, a golf course, arboretum, production nursery and open space.

The transformation of this devastated site has already begun with completion of 1.5 miles of trails, an award-winning Environmental Services Building and multipurpose playfields. The project credo is "Reclaiming our Resources," and each action is aimed at supporting the sustainable approach to reclamation and development of public lands. The

planned world-class golf course and nursery are in development phases, and additional trails will be added in the next two years.

The American Planning Association each year honors a handful of communities or individuals for demonstrating excellence and raising the standard for good community planning. Recipients of the 2004 National Planning Awards will be honored at the 2004 National Planning Conference in Washington, D.C. April 24 -28.

More information about the American Planning Association and 2004 Planning Awards can be found at <http://www.planning.org>.

## Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
<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	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 Assessors (WSACA) Annual Conference	Hallmark Inn, Moses Lake	June 14-16	(360) 753-7319
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

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

<b><i>Meeting</i></b>	<b><i>Location</i></b>	<b><i>Date</i></b>	<b><i>Information</i></b>
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
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/wsacrpdpd
Washington Association of Prosecuting Attorneys (WAPA) Drug Training Program	Icicle Inn, Leavenworth	September 15-17	(360) 753-2175
WACO/WSAC/WAPA Joint Fall Conference	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/wsacrpdpd
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

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

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<b><i>Meeting</i></b>	<b><i>Location</i></b>	<b><i>Date</i></b>	<b><i>Information</i></b>
<b><i>2007</i></b>			
NACo Annual Conference (Sponsored by the counties in the Metropolitan Richmond Area)	Richmond, VA	TBD	<a href="http://www.naco.org">www.naco.org</a>
IACREOT 36th Annual Conference	Charlotte, NC	July 14-22	