

the Courthouse Journal

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

**February 6, 2004
Issue No. 5**

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WASHINGTON COUNTIES \$SCHOLARSHIPS

**Five \$2,500 scholarships available for children of county employees!
Look for applications to come out next week!
Details and scholarship applications will be available on our web page at
www.wacounties.org
Or you can call us at 360-753-7319 or 360-753-1886**

**Scholarships being awarded this year are BIGGER THAN EVER!!...
don't miss out!**

First Legislative Cut-Off Today!

Today is the day all bills must be moved out of the policy committees or they are considered "dead" for the session. The exceptions to the first cut-off of session are the fiscal committees who have until Tuesday to hear and move bills. Budget issues are also exempt from today's deadline. The "live" bills have until February 17th to leave their respective houses of origin.

By way of explanation: Before any bill can come before the entire membership of the House or Senate for a floor vote, it is funneled through the respective Rules Committee. Each member of the Rules Committee is allowed one or more "pulls" per meeting of the Rules Committee. This is the critical stage when bills are in direct competition with each other and when it is most important that county

officials use their "pull" with legislators to "pull" bills out of the Rules Committee and to the floor. When the bills receive a majority vote of the entire body, they move to the opposite house and start all over again.

Article of Interest to all County Prosecutors

by **Tom McBride**, Executive Secretary, Washington Association of Prosecuting Attorneys

In the twenty years leading up to adoption of the Sentencing Reform Act (SRA), Washington State's incarceration rate mirrored the national average. Since then, the incarceration rate in Washington has dropped to almost half

the national average. This drop below the national average is consistent for the five states that have adopted determinate sentencing. To decide whether this is good or bad, we need to look at crime rates. Washington State has obtained roughly the same crime rate reductions as other states (measured by the national average), while using half the incarceration rate over the last twenty years. There was a point when the SRA appeared linked to higher crime rates in the early and mid 1980s. The sentencing laws were amended to lengthen sentences for sexual, violent and drug offenders, and today the crime rates are retreating again. Clearly we have done a better job than the nation as a whole, in finding the correct "balance" in the use of incarceration as a deterrent to crime.

There became a point in the late 1990s where the link between drug offender sentence lengths and reduced crime rates appeared to no longer be productive. The result was legislation two years ago, supported by prosecutors, to reduce the seriousness level of drug dealing cases, eliminate triple scoring, and eventually to adopt a new drug sentencing grid, hopefully finding that "balance" again.

This session, in considering a supplemental budget request by DOC, the legislature is frustrated that last year's new law (opposed by prosecutors) to allow for 50% goodtime and reduced

supervision has not provided cost reduction and prison population reduction. This has led to various new proposals to further reduce drug offender sentence lengths and hopefully avoid prison commitments. These proposals will likely make the problem worse, for the very same reasons that 50% goodtime did not reduce costs after adoption last year. If you look at the DOC population increase, it comes from repeated imprisonment of offenders who have already been to DOC. The population of offenders, going to prison for the first time, is **not** increasing. The proposals this session merely turn the revolving door more quickly and ultimately will not reduce prison population. The problem, as I personally see it, is that the legislature views programs like DOSA and Drug Court as cheaper than incarceration. If done effectively, treatment is tied to supervision and costs as much as incarceration. The long term benefits are there, but resources need to be invested up-front. Effective treatment is not necessarily cheaper than incarceration.

So in the big picture and up to this point, Washington has been both effective and frugal in addressing crime. But, these new proposals to reduce drug offender sentences even further than the new drug grid will not find the correct "balance" that protects the public while frugally expending resources.

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.

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

King County Sheriff to Run for Dunn's Seat in Congress

After the surprise announcement by Representative Jennifer Dunn last week that she is retiring from her 8th District Congressional seat, King County Sheriff Dave Reichert has announced that he is running for her seat, as a Republican. He made the announcement yesterday in his first partisan debut. As King County Sheriff, he has been a nonpartisan officeholder. Reichert was first

appointed sheriff in 1997 and has been with the sheriff's department for 32 years.

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

Annual Exemption Report Shows Exemptions Outnumber Taxes

If Washington's tax system were a piece of Swiss cheese, it would have more air than cheese. The annual report released last week by the State Department of Revenue showed state tax revenue for the 2003-05 biennium totaling \$21 billion, while exemptions to those same taxes totaling \$31 billion. The report outlines a total of 503 exemptions. The report documents the history of tax exemptions from territorial times to the present. Apart from the record setting number of exemptions (41) granted in 1935, when the present tax system was established, the granting of exemptions was a limited phenomena until the mid-sixties. Since then, the average number of exemptions per year has increased, culminating in 2003 when 38 new exemptions were granted. Over those years, many tax rates have gradually increased, in part to make up for the impact of exemptions. As any economist would point out, this in turn has increased the incentive for businesses to increase their political efforts to convince legislators to enact still more exemptions. Numerous studies have encouraged the Legislature to reduce exemptions and rates for everyone. The political difficulty of such a maneuver would be extreme. This session, the battle to transform cheese to air continues.

Historic Courthouse Fund Begins to Move Forward

The Senate Economic Development Committee this week reported from Committee **SB 6539**, creating a Historic County Courthouse Fund. A \$93 million capital investment need has been identified to support the renovation and rehabilitation of 28 qualifying historic courthouses across the state.

The companion measure, **HB 2980**, was heard in the House Trade and Economic Development Committee this week. Jefferson County Commissioner

Dan Titterness and Mason County Commissioner Herb Baze led the testimony in support. It is expected to be reported from Committee today.

Timber Excise Tax Proposal Gains Momentum

HB 2693, sponsored by Rep. Bill Hinkle (R-Kittitas County), would increase revenue to counties from timber harvest on public lands. The bill eliminates the property tax on timber and gradually increases the county share of excise tax to four percent. A substitute bill was reported from House Finance on Thursday.

Assessor Priority Bill Passes Out of House Finance

HB 3063, requiring a six-year review of property tax exemptions, received a public hearing in the House Finance Committee Thursday, February 5. This is an Assessor priority bill for the 2004 Legislative Session. Scott Noble, King County Assessor and Jack Westerman III, Jefferson County Assessor testified for the Washington State Association of County Assessors (WSACA) in favor of the bill. Also signed in favoring the legislation were Patricia Costello, Thurston County Assessor, and H.J. "Van" Vandenberg, Klickitat County Assessor. In a later hearing the same day, the Committee passed the bill out with a do pass recommendation. The vote was 5 yea, 4 nay. Congratulations to all the Assessors who worked so hard on this legislation. The bill is now in House Rules.

The bill would require the Joint Legislative Audit and Review Committee to review property tax exemptions every six years and submit a report to the Legislature by June 30 of the year of review. The review must address factors such as the persons directly affected by the exemption, the amount of taxes involved and whether legislative objectives of the exemption are being met.

House Finance Moves Economic Development (TIF) Bill

SHB 1281 was heard in House Finance on Tuesday, February 3. The bill has provisions allowing taxing districts to choose to "opt-in". This bill differs from **E3SSB 5364** passed last week by the Senate in that it would **not** allow funds to be used for environmental analysis, professional management, planning or promotion within the increment area. During the public hearing 2 striking amendments were introduced. One referred to as the McIntire striker which adds development of affordable housing to intent and public purpose was the version that moved out of Committee. The substitute includes only taxing districts that choose to "opt-in" and limits the property tax increment to 75% of increases in assessed value due to new construction only. It would allow TIF funds to be used for facilities and improvements that support affordable housing. Like the Senate bill it would require local government to enter into a contract with a private developer for the private improvements. Public notice would have to include estimates of the impact on small business. Like the Senate bill, it includes restrictive language stating local government may only use TIF financing in areas within the boundaries of the local government deemed in need of economic development and/or redevelopment and absent the financing available under the legislation, would not occur. This draft addresses adjusting calculation of sales tax increment for areas created in the year sales tax sourcing provisions begin. In this House version, boundaries are considered to be an area that could not comprise an area containing more than 25% of the total assessed value within the boundaries of the local government creating the increment area and is limited to contiguous parcels.

The substitute was voted out of

Budget, Finance, and Taxes (continued)

Committee with a do pass recommendation. The Committee vote was 7 yea, 2 nay and the bill was referred to House Rules. Please contact your Rules Committee members and encourage them to pull the bill for a floor vote.

County Treasurers' Legislative Meeting and Hearings

SB 6671, the treasurers' bill providing funds for an automated system for processing real estate excise taxes, will be heard by the Senate Government Operations and Elections Committee, today (Friday). The bill must be passed out of committee today, or it will fail to make the cutoff for this year. Also being heard today by the Senate Natural Resources, Energy and Water Committee is **SB 6620**, modifying the real estate excise tax administration of water rights. The Department of Revenue has introduced a broader bill, **HB 3163**, that also includes this language (in Section 5). **HB 3163** has a hearing on Monday in the House Finance Committee.

HB 2878 and **PSSB 6296**, the treasury management bills are in their respective Rules Committees.

Courts, Public Safety, Law & Justice

Roundup of Civil Liability Bills

As the Legislature nears its deadline for moving bills out of committee, three county-supported civil liability bills seem to be moving. Now is the time to call and email your legislators and remind them that civil liability reform is a legislative priority for counties.

SHB 2485, which lowers the interest rate on tort judgments from 12 percent to 4 percent over T-Bills, and **HB 2486**, which allows a court to consider seatbelt usage the same as other evidence in auto accident cases, have just moved to the House Rules Committee. Please thank the members of the House Judiciary Committee for their support of these bills. County officials also are encouraged to contact Rules members and ask them to pull these bills to the floor for a vote of the full House. Rules Committee members are listed at www.leg.wa.gov/house/opr/RUL/members.

ESSB 5728, the Senate's omnibus tort reform bill, could be up for a floor vote as soon as Monday, February 9. Although this bill passed the Senate last year, the votes cannot be taken for granted. County officials who support this bill should contact their Senators and ask for a "yes" vote.

Barely on life support in the House Judiciary Committee is **HB 2881**, which would codify and slightly expand the "public duty doctrine" developed by the courts over the course of more than 30 years of case law. This doctrine helps shelter high-risk government activities from broad liability. The bill is a top priority of the Association of Washington Cities, as well as WSAC. State agencies also spoke strongly in favor of it at the public hearing February 2.

WACO Priorities in the Criminal Justice Arena

Today is the day all bills must be out of committee, with the exception of the fiscal committees, or they are considered "dead." More will be reported early next week to WACO

affiliates when the fate of the WACO Watch List is known. The following are bills that were deemed priorities of WACO after presentation to the WACO membership in October or to the WACO Legislative Committee since then:

SB 6205 and **HB 2878**, law enforcement property tax levies, have both been heard in their respective houses and have until Tuesday to be voted out of committee. WACO members are urged to contact members of the House Finance Committee urging a yes vote on **HB 2519** and Senate Ways and Means members to do the same for **SB 6205**. Our hats are off to Senator Mark Doumit and Representative Brian Hatfield for their great support of local government and sponsorship of these bills.

SB 6300 and **HB 2584**, extraordinary criminal justice costs, are two more Doumit/Hatfield bills geared to assist counties with severe impacts resulting from murder cases in their counties. The present law only allows county applications for assistance to be made if charges of aggravated homicide are tried. **SB 6300** is in the Ways and Means Committee and needs a vote out. **HB 2584** needs to be voted out of the House Appropriations Committee. Both bills have until Tuesday.

SB 2380, a county clerks' fee bill, was voted out of the House Local Government Committee this week and is now in House Rules. County clerks are urged to contact their House members on Rules to urge them to "pull" the bill. County clerks should also explain to their legislators that some fees are actually being lowered. A question was raised regarding a per page charge of 25 cents for copies of documents that will be transmitted electronically. The labor costs alone justify the charge.

SB 6591, the state forensic pathologist bill, was heard this week in the Senate Government Operations and Elections Committee. We expect it to be voted out of committee today. In this case, time is critical since the committee has two hours to "exec" bills out before the cutoff.

SB 6136, search warrants using electronic tracking devices, is in the

Senate Rules Committee. It appears very likely to be pulled.

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Other bills of note:

SB 6148, law enforcement license plates, moved out of the Senate with 48 votes and one excused. The revenue will be devoted to construction of a law enforcement memorial.

HB 2322, pre-hire screening of law enforcement applicants will be heard in House Appropriations today and has been amended.

Of interest to sheriffs, prosecutors and clerks:

House Criminal Justice and Corrections has several bills up for executive action today:

HB 2557, collection of offender palm prints

HB 2723, prohibiting unauthorized motion pictures – amended and passed out

HB 2848, tribal law enforcement officers – 4 yeas, 3 nays, passed out

HB 2872, revising DNA provisions – passed out

HB 2874, certificates of discharge of sentence – passed out

HB 2754, child sex abuse by custodians – passed out

HB 2969, expanding offender DNA database – passed out with amendments

HB 2958, missing person's reports – passed out

HB 3026, correctional industries - amended and passed out

Courts, Public Safety, Law and Justice (continued)

HB 3065, revising partial confinement options for certain drug offenders – passed out 4 to 3

Elections, Licensing and Recording

Chief Financial Officer Bill

HB 1594, the chief financial officer in a charter county was amended with the agreed upon language and is still in House Rules Committee. **If you have a Representative on the Rules Committee please contact them and ask them to "pull" the bill.** Rules Committee members are: Frank Chop, Bruce Chandler, Roger Bush, Jim Clements, Richard Odebolt, William Eickmeyer, Bill Grant, Kathy Haigh, Brian Hatfield, Sam Hunt, Fred Jarrett, Lynn Kessler, Steve Kirby, John Lovick, Joyce McDonald, Kirk Pearson, Laura Ruderman, Sharon Tomiko Santos and Beverly Woods.

Increasing Marriage Licenses for Domestic Violence Funding

HB 2481, increasing marriage license fees by \$10 to fund community-based domestic violence programs was heard and passed out of committee this week. The bill was heard in House Appropriations Committee this week, but has not passed out yet.

Vehicle Registration at Residence Address

HB 2941, requiring vehicle registration at the residence address was heard in House Transportation Committee last week and was passed out of committee yesterday.

Auditors Recording/Privacy Bill Scheduled for a Hearing

SB 6573, states that when any instrument is presented to a county auditor or recording officer for recording, the document shall not contain the following information: (1) A social security number; (2) A date of birth identified with a particular person; or (3) The maiden name of a person's parent so as to be identified with a particular person. The bill was heard on Tuesday, February 3 in Senate Government Operations Committee and was passed out the same day. **The bill is now in the Senate Rules committee. If you have members on the committee**

please contact them and ask them to "pull" the bill.

Other Bills of Interest to County Auditors

HB 2694, revising distribution of funds for operating and maintenance of very low-income housing projects was passed out of House Local Government Committee yesterday. The companion bill **SB 6467** was heard last week and is still in committee.

Veterans' Relief

HB 2670, expands the counties' role in services for indigent veterans. The local organizational role in the providing of services is shifted from veterans' service organizations to a Veterans' Assistance Program (VAP). The local government may select local veterans' organizations to act as the VAP, but the county may instead designate that authority to a local nonprofit organization. Additionally, the county legislative authority may itself retain the operational power of the VAP. This bill was heard in House Local Government Committee yesterday and was passed out of committee with an amendment that encourages the counties to make certain that the aid they are providing is taking inflation into consideration. It permits the county to use funds from tax levies on outreach to inform indigent veterans of available veterans' services.

Recording & Licensing Hearings Next Week

SB 6110, authorizing a reduced license fee for personal use trailers is scheduled to be heard on February 9 at 1:30 p.m. in Senate Highways & Transportation Committee.

Current Status of Elections Bills

HB 2420, removing the provision in law that requires the corresponding oval to be filled in next to the write-in candidate's line on optical scan systems, is in the House Rules Committee.

SHB 2433, allowing a candidate to run for more than one office in an

election as long as one of the races is for a PCO, a temporary position, or a position paid on a per diem basis for which there is no filing fee, is on the House Floor calendar.

SHB 2875, creating a task force to enhance youth voter education programs, resides in the House Rules Committee.

SB 6417, correcting statutory references and properly recodifying statutes into Title 29A RCW, has passed the Senate and has been referred to the House State Government Committee. The companion bill, **HB 2742** in the House Rules Committee.

SSB 6453, the Secretary of State request legislation for a modified blanket primary, has passed out of the Senate Government Operations and Elections Committee and has been referred to the Senate Ways and Means Committee. Among amendments included a title change to "an act relating to a qualifying primary".

HB 2743, clarifying election-related crimes, is in House Rules, and its companion bill, **SB 6418**, is in Senate Rules.

SHB 2744, implementing the Help America Vote Act (HAVA), passed out of the House State Government Committee and is being heard by the House Appropriations Committee today (Friday) at 3:30 p.m. The Senate companion bill, **SSB 6419**, passed out of the Senate Government Operations and Elections Committee on Thursday.

HB 2669, establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices, is in House Rules.

SHB 2745, enhancing the integrity of voting systems and requiring a paper trail on Direct Recording Electronic (DRE) voting machines, passed out of the House Technology, Telecommunications and Energy Committee this week to Rules. The companion bill, **SSB 6420** is in Senate Rules.

SSB 6493, declaring that no city, town, or district is responsible for any election costs involved in electing statewide officers or ballot measures in even-numbered years, passed out of the Senate Government Operations and

Elections, Licensing and Recording (continued)

Elections Committee this week and resides in Rules.

SSB 6639, requiring absentee ballots to reach the auditor by election day, passed out of committee and is in Senate Rules.

SB 6518, District Court Judge elections, passed out of the Senate Judiciary Committee this week and is in Senate Rules.

HB 2932, allowing a county governing authority to assume responsibility for the costs of up to two years of local park and recreation district elections, was heard by House Local Government Committee, Thursday. Auditors' Legislative Co-chair Kim Wyman testified with concerns that this may set a precedent for other districts. The bill has passed out of committee to House Rules.

SB 6709, requiring the county auditor to send to a holder of an intermediate drivers' license in the month of the person's 18th birthday, a voter registration card and information about upcoming elections and polling places, will be heard by the Senate Government Operation and Elections Committee today (Friday). The information necessary to send the card and information comes from the Department of Licensing (DOL). DOL would assess an additional fee of \$1 for each intermediate drivers' license, 10 cents of which going to the department and 90 cents of which going to the county auditor.

2004 Online Voting Project Cancelled

OLYMPIA...Secretary of State Sam Reed announced today that America's 2004 online voting project for military and overseas citizens has been cancelled by the United States Department of Defense.

"I remain deeply committed to ensuring the right to vote for our military and overseas citizens," said Reed. "We must embrace every effort to give all Americans a voice in the democratic process."

The Department of Defense informed participating states that the Secure Electronic Registration and

Voting Experiment, or SERVE, will not involve online voting in 2004 because of security issues with the Internet but research will continue.

"I trust the Department's decision," said Reed. "The integrity of the voting process is critical and must be held to the highest standard."

Washington was among seven states to participate in SERVE. Voters registered in Island, Pierce, Snohomish, Thurston, Kitsap, Spokane, and Cowlitz counties were eligible to participate. Currently, online voting is not used for public elections on a broad scale anywhere in the United States. SERVE would have only been available to American military and citizens abroad. The United Kingdom has held binding, online voting projects.

For more information on SERVE visit <http://www.serveusa.gov/public/aca.aspx>

Environment, Land Use and Resources

Some GMA bills survive the first cutoff

The House Local Government Committee moved the following bills out of committee.

HB 2514 is the GMA workgroup's bill that attempts to add a definition to Best Available Science and provide flexible implementation methods. The bill is a works in progress and the parties will continue to negotiate on the bill through the process.

HB 2563 provides limited commercial and retail development opportunities on agricultural lands of long term significance. The uses must be accessory to agricultural operations.

SHB 2730 provides that cities and counties who are collecting GMA impact fees collect the fee prior to final inspection. Cities, counties and school districts continue to work with the proponents to ensure there will be surety the fees can be collected at the end of the process. A few cities and counties have tried collecting fees later in the process and the failure rate was high.

HB 2811 requires the buildable land counties to annually report the permit performance on their website.

SHB 2905 provides the flexibility within the LAMIRDs to develop and redevelop.

SHB 2953 provides a new annexation method for cities and counties based upon interlocal agreements. A city and county and the city must develop and adopt an interlocal agreements prior to the annexation.

HB 2805 creates a blue ribbon commission on local government finance and land use. The commission is required to review tax policies and their implications on land use.

Senate Land Use and Planning Committee passes out bills

SSB 6196 allows single family houses outside the urban growth areas when housing isn't affordable for first time homebuyers.

SB 6237 provides limited commercial and retail development opportunities on agricultural lands of long term significance. The uses must

be accessory to agricultural operations.

SSB 6367 when an urban growth area is contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as it determines necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve

SSB 6413 changes the time of collection for impact fees. Impact fees would be collected either at closing or final inspection instead of at permit application. A few cities and counties have tried this with very poor compliance performance.

SSB 6460 provides a new method for removing agricultural lands of long term significance if they are no longer viable for production.

SB 6488 requires CTED to study the designation of agricultural lands in Chelan, Yakima and King Counties.

SSB 6238 would allow the type 1 LAMIRDs to have appropriate development and redevelopment of appropriate, size, scale and intensity to meet the needs of those rural residents. The bill is intended to clarify that uses can change within these areas. Most of know these areas are dynamic and experience a lot of change.

SB 6534 clarifies the siting and development sequencing for industrial land banks. The bill will help counties to site and build out industrial land banks.

SSB 6592 develops a new GMA update schedule for certain counties. The buildable land counties would still remain on the 7 year schedule. Counties that are under 75,000 and experience less than a 17% growth rate from the previous 10 years would be able to conduct a basic update. A basic update includes: updating critical areas; natural resource areas; and population allocations. Counties over 75,000, outside of the buildable lands counties, that experience a growth rate higher than 17% are included in the 7 year update schedule. This bill will continue to be amended through the process.

SB 6409 would allow all 39 counties to have an industrial land bank with up to two master planned locations.

The Senate has passed the following bill over to the House for their consideration

SSB 5651 would allow the temporary conversion of agricultural lands of long term significance for recreational purposes. The bill is commonly referred to as the "soccer fields" bill.

Water Legislation Muddied

The Governor's instream flow proposal, **HB 2396**, was amended and passed out of House Agriculture and Natural Resources Committee this week. This version is the product of negotiations between Rep. Sam Hunt (D-Thurston County) and Rep. Phil Rockefeller (D-Kitsap County) and reportedly not supported by the Chair, Rep. Kelli Linville (D-Whatcom County). Environmental and tribal groups generally support this approach and the Water Policy Alliance strongly opposes the bill.

HB 2396 next will be heard in House Appropriations because it has a large fiscal impact. It is expected to stay in Appropriations or move no farther than Rules until there are discussions and some level of agreement.

The Governor's relinquishment (water confirmation) bill was heard Thursday in Senate Natural Resources. **SB 6734** is similar to the proposal circulated earlier in the year but a state-wide adjudication is no longer part of the bill. **SB 6734** is expected to stay in committee while the discussions continue.

The Governor's office continues to indicate that the topics of instream flow and relinquishment are linked. In addition, bills to establish water courts as a new means of adjudicating water disputes have been heard and are probably a piece of the moving water puzzle.

State Land Acquisition Bills Move Forward

Several bills are moving ahead that embrace WSAC goals on state land acquisition policy. These measures would require a comprehensive analysis

Environment, Land Use and Resources (continued)

of all existing state and federal public lands prior to new state land acquisition, require state agency payment in lieu of taxes (PILT) and ensure proper land management of state properties, and improve county access to land acquisition funds and input into new purchases.

HB 2275 and **SB 6082** amend the Washington Wildlife and Recreation Program (WWRP) in significant ways. The WWRP, established 10 years ago in the Capital Budget, has typically dedicated \$40 to \$50 million a biennium for land acquisition for habitat and for recreational purposes.

These bills will allow counties to join state agencies in applying for habitat conservation funds and will create two new fund categories: for riparian protection (open to state and local agencies) and for farmland preservation (open only to counties and cities). The bills also increase opportunities for local input into WWRP acquisitions, requiring for instance, consistency with local comprehensive plans, and require state agency payment in lieu of taxes and noxious weed payments on WWRP acquisitions.

SB 6082 is now in Senate Ways and Means Committee. It was amended to remove the new funds authorizing purchase of farmland and riparian areas. **HB 2275** continues to allow counties to apply for habitat conservation funds, riparian protection funds and farmland preservation funds, improve local input into state land purchases, and require state agency payment in lieu of taxes (PILT) and noxious weed payments. Both bills are expected to continue to evolve.

SB 6242 directs the Inter Agency Committee on Outdoor Recreation to inventory state agency land purchases for habitat and develop a strategic plan for habitat acquisition and disposal, taking into account existing state, federal and local lands and land dedicated to habitat purposes that is owned by non-profit organizations. **SB 6134** aims to ensure habitat benefits of land acquisitions by requiring the Department of Fish and Wildlife to identify the purpose of the acquisition, assess

existing habitat at the site and within the watershed and the proposed public use of the property after acquisition. Both bills were revised and reported from Committee.

Cougar Management Legislation Expanded

After long discussions with affected counties and the Department of Fish and Wildlife, the Senate Natural Resources Committee expanded the cougar management pilot program, **SB 6118**, to include Chelan and Pend Oreille counties in addition to Ferry, Okanogan and Stevens. The bill was reported from Committee this week.

Stormwater Bills Move Forward in Senate

Bills addressing stormwater management were reported from the Senate Natural Resources Committee this week. Substitute **SB 6415**, sponsored by Senator Bob Morton (R-Ferry County) clarifies requirements for industrial and construction stormwater management. County review has been generally positive, although some questions remains whether one subsection may increase liability of municipal stormwater management programs. Substitute **SB 6562**, sponsored by Senator Joyce Mulliken (R-Grant County) would limit the state stormwater management program to the EPA required elements. Both bills are opposed by the Department of Ecology.

Transportation and Public Works

Senate proposes new freight funding program

The Senate Highways and Transportation committee introduced three bills this week that would create a new freight funding program, establish in statute an advisory committee for the distribution of federal funding and redirect some of the federal funds. **PSSB 6680** creates the new funding program within the Transportation Investment Board (TIB) to fund freight improvement projects. The Freight Mobility Strategic Investment Board would remain a separate policy body and make funding recommendations to TIB. **PSSB 6701** would only redirect the previous funding that went to the Rural Economic Vitality funds to the TIB freight program. **PSSB 6697** would create in statute a committee to allocate the federal enhancement funding. The bill adds the State Historic Preservation Officer to the committee. Each of these three bills is intended to work together. Committee staff has assured WSAC and AWC the other distribution formulas don't change. WSAC has asked the County Road Administration Board to analyze which counties would compete well for the freight funding.

House Transportation Committee passes out of committee a new transportation governance structure for central Puget Sound

2SHB 1960 creates the Puget Sound Regional Transportation District Council (Council) to govern the Puget Sound Regional Transportation District. The Council is comprised of nine elected members and assumes the functions of the metropolitan planning organization and regional transportation planning organization functions.

The county legislative authority members of King, Pierce, and Snohomish and Kitsap counties are required, by May 1, 2005, to define eight councilor districts within the region, based on equal populations. One councilmember from each district is to be elected in November 2005, and the council president is to be elected at large. The president and the four councilors receiving the most votes are elected to four-year terms, with the remaining four

councilors elected to two-year terms. The council president is the presiding officer of the Council and sets the Council agenda.

Effective January 1, 2006, the Council duties are to:

- Assume responsibility for the metropolitan and regional transportation planning function of the region;
- Identify transportation facilities and services of the Department of Transportation, cities, counties, public transportation providers and other publicly financed transportation providers that serve regionally significant corridors or are regionally significant and adopt a plan for allocation of resources for those facilities and services;
- Develop and enforce standards for the coordination of public transportation services in the region, including investment, service, fare policies, and coordination and approval of each transit systems six-year plan;
- Develop and enforce standards for the coordination of regional traffic operations on roadways of regional significance including investment in capital and operations;
- Appoint a District Policy Advisory Committee and approve all elements of the regional transportation improvement program developed by the advisory committee;
- Assume governance of the Regional Transportation Investment District and the Regional Transit Authority in January 2007; and
- Determine by January 2010 the role of the Council in governing the City Transportation Authority (Monorail) and implement the recommendation.

The Council is required to appoint a District Policy Advisory Committee (Committee) made up of local elected officials, officials of agencies that operate major transportation modes, appropriate state officials, and others as appropriate. The Committee may, with approval of the Council, change its membership at any time. The Committee is to provide a regional forum for officials to assess transportation policies, evaluate needs and recommend to the Council a

recommended regional plan and a regional transportation improvement program. The Committee duties also include review of the consistency of public agencies' plans with standards of coordination for public transportation and traffic operations.

An auditor for the Puget Sound Regional Transportation District is to be elected November 2005, for a four-year term. The auditor's duties are to investigate operations of the district, including financial and performance auditing functions. The auditor must be a certified public accountant or a certified internal auditor and is precluded from service as a councilor for four years after serving as auditor.

Senate Highways and Transportation Committee modifies lead agency bill

SB 6175 is modified to require the Department of Transportation to include in the lead agency agreement specific milestones or performance measures that are tied to appropriate timelines. If the lead agency fails to perform its duties, the agency shall forfeit its lead agency status and return any funds previously provided.

House Transportation Committee passed out a bill to allow other counties to create regional transportation investment districts and amending the existing one

SHB 2531 provides that Rids may also be formed in counties besides the King, Pierce and Snohomish county RTID. The districts may be multi-county, county-wide, or less than county wide. A city must be wholly within or outside a district. Planning committees for Rids are made up of county legislative authority members and mayors or city legislative authority members of cities within the district, with votes weighted on the basis of population within the district. The Secretary of Transportation is a non-voting member. Sixty percent of weighted votes are required for committee action.

The Rids outside Puget Sound are governed by members of the county

Transportation and Public Works (continued)

legislative authority, acting ex-officio. The Secretary of Transportation is a non-voting member of the authority. Sixty percent of the board membership is required for plan modification or placement of issues on the ballot. The governance of the multi-county RTID formed within King, Pierce and Snohomish counties are not affected.

The projects that an RTID may fund are expanded to include any project or program contained in the state or regional transportation planning organization plan. The prohibition on the use of the RTID funds for project maintenance and operations is removed. The local match requirement is eliminated.

The RTID planning committee in King, Pierce and Snohomish counties must consult regularly with and seek input from the county executive of each member county and the mayor and city legislative authority of the largest city in each county and any other cities over 100,000 in population.

The sales tax authority for Rids is reduced from 0.5 percent to 0.2 percent and its use is limited to public transportation, high-occupancy vehicle system and commute trip reduction purposes. A sales and use tax on motor fuel of up to 7.5 percent is authorized for Rids. Persons who pay the state sales and use tax on motor fuel are exempt from the RTID tax. The Reid's authority to impose a fuel tax of 10 percent of the state fuel tax rate is changed to permit a 6 cents per gallon tax with an indexing feature. A county's authority on behalf of an RTID to impose the fuel tax at 10 percent of the state fuel tax rate is limited, requiring that the RTID fuel tax rate be set at 3 cents per gallon or less. Counties, for distribution of revenues for both the county and cities within the county, are authorized to impose their existing fuel tax of 10 percent of the state rate regardless of whether a fuel tax is imposed for the RTID purposes. Voter approval is required for all taxes.

The authority for roads upon which the RTID may collect tolls is expanded from those facilities which, the RTID plan expands or rebuilds, to local arterials and state or federal highways

within the district. The roadways proposed for tolling and the purpose of the toll must be identified in the plan and the tolling must be approved by the Transportation Commission and the voters in the district. The RTID is also given authority to implement a charge on vehicle miles traveled, including travel in certain corridors.

House passes a bill designating two new highways of statewide significance

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

State Route 704 in Pierce County, commonly known as the cross-base highway, is designated as a highway of statewide significance.

Upcoming Training

<i>Training or Workshop</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
FEBRUARY 2004			
CPO Training - Emergency Management 101	Water Resources Education Center, Vancouver	February 19	(360) 753-1886
CPO Training - Emergency Management 101	Community Education Training Center, Colfax	February 25	(360) 753-1886
CPO Training - Emergency Management 101	Ellensburg Inn, Ellensburg	February 26	(360) 753-1886
APRIL 2004			
WA Association of Prosecuting Attorneys Spring Training Program	Spokane	April 21-23	(360) 753-2175
May 2004			
WA Association of Prosecuting Attorneys Support Staff Training Program	Campbell's Lodge, Lake Chelan	May 12-14	(360) 753-2175
JUNE 2004			
WA Association of Coroners and Medical Examiners' Training	Campbell's Lodge, Lake Chelan	June 21	(360) 427-9670 x 752
JULY 2004			
WA Counties Risk Pool - Risk Managers Training	Shilo Inn, Ocean Shores	July 20	(360) 586-7447
WA Counties Risk Pool - Board of Directors Workshop	Shilo Inn, Ocean Shores	July 21	(360) 586-7447

Calendar of Events

Meeting	Location	Date	Information
2004			
NACo Legislative Conference	Hilton Washington & Towers, Washington, DC	February 27 - March 2	www.naco.org
WA State Association of County Auditors Recording Conference	Sun Mountain	March 16 - 18	(360) 753-7319
Association of County Human Services Meetings	Pierce County	March 17 - 19	
WA Counties Insurance Pool Board Meeting	Red Lion Yakima Gateway, Yakima	March 18	(360) 586-0466
WA Counties Insurance Fund Board Meeting	Red Lion Yakima Gateway, Yakima	March 18	(360) 586-0466
Insurance Advisory Committee Full Membership Meeting	Red Lion Yakima Gateway, Yakima	March 18	(360) 586-0466
WA State Property Records Education Partners (PREP) Meeting	Sun Mountain Lodge, Winthrop	March 19	(360) 753-7319
WA County Administrative Association Annual Conference	Leavenworth	March 24 - 26	(360) 397-2232
WA State Association of Counties - Eastern District Meeting	Campbell's Resort, Chelan	April 8 - 9	(360) 753-1886
ACE Committee (Payroll & HR)	Yakima Convention Center	April 14	(360) 586-0466
WA Counties Risk Pool Risk Managers Roundtable	Icicle Inn, Leavenworth	April 14	(360) 586-7447
WA Counties Risk Pool Spring Board Meeting	Icicle Inn, Leavenworth	April 15	(360) 586-7447
WA Association of Prosecuting Attorneys Spring Training Program	WestCoast Ridpath Hotel, Spokane	April 21-23	(360) 753-2175
WA State Association of Counties Western District Meeting	Heathman Lodge, Vancouver	April 22 - 23	(360) 753-1886
Association of County Human Services Meetings	Chelan County	May 19 - 21	
WASPC Spring Conference	Yakima Convention Center, Yakima	May 24 - 27	(360) 486-2380
WA Association of Prosecuting Attorneys 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

Calendar of Events (continued)

WSAC 98 th Annual Summer Convention	Pierce County, Sheraton, Tacoma	June 22 - 25	(360) 753-1886
IACREOT 33 rd Annual Conference	San Antonio, TX	July 15-24	
NACo Annual Conference	Maricopa County, Phoenix, AZ	July 16 - 20	www.naco.org
Association of County Human Services Meetings	Kittitas County	July 21 - 23	
WA Counties Risk Pool Annual Board Meeting	Shilo Inn, Ocean Shores	July 22	(360) 586-7447
WA Counties Risk Pool Summer Conference	Shilo Inn, Ocean Shores	July 20 - 22	(360) 586-7447
WA Counties Insurance Pool Rate Setting Meeting	Wyndham Gardens, SeaTac	August 19	(360) 586-0466
Association of County Human Services Meetings	Grays Harbor County	September 15 - 17	
WA Counties Insurance Pool Board Meeting	Radisson Hotel, SeaTac	September 16	(360) 586-0466
WA Counties Insurance Fund	Radisson Hotel, SeaTac	September 16	(360) 586-0466
Insurance Advisory Committee	Radisson Hotel, SeaTac	September 16	(360) 586-0466
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 14 - 17	www.geocities.com/wsacrpd
WACO/WSAC/WAPA Joint Fall Conference	Spokane	October 4 - 8	(360) 753-7319
ACE Committee (Payroll & HR)	Yakima Convention Center	October 13	(360) 586-0466
WA Association of Sheriffs and Police Chiefs Fall Conference	Shilo Inn, Ocean Shores	November 15 - 18	(360) 486-2380
Association of County Human Services Meetings	Spokane County	November 17 - 19	
WA Counties Insurance Fund 2005 Budget Meeting	Red Lion at Columbia Center, Kennewick	November 18	(360) 586-0466
WA Association of Prosecuting Attorneys Winter Meeting & Banquet	Crowne Plaza Hotel, Seattle	December 9-10	(360) 753-2175
2005			
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 th 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	

Calendar of Events (continued)

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/wsacrpdp
WACO/WSAC Joint Fall Conference	Ocean Shores	October 3 - 7	(360) 753-7319
2006			
WSAC 100 th 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
2007			
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	

Certified Public Official (CPO) Training

“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 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?

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 & Responsibilities.