

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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WACO Rallies in Olympia

Dedicated WACO Members left home hours before dawn on Thursday and hit the road to Olympia. They met in the Washington Counties Building as dawn broke on the horizon for a briefing on specific fiscal measures WACO supports. They are **HB 2235**, sales tax streamlining, **HB 2224**, a King County bill allowing a local utility tax for counties, and **HB 2196**, changes to the real estate excise tax. All three bills were scheduled in the House Finance Committee at 8:00 a.m.

At 10:20 a.m., Finance Chair Jim McIntire continued the hearing on **HB 2235** until today for lack of time. The WACO panel of Lewis County Treasurer Rose Bowman, Cowlitz County Treasurer Judy Ainslie, Grays Harbor County Treasurer Ron Strabbing, and Whitman County Treasurer Bob Lothspeich did not get to testify in support of **HB 2235** and only Rose Bowman was able to return for

day two.

Undaunted by the change of plan, the county officials contacted their own legislators and lobbied for WACO priority bills. Many thanks to the panel and Mason County Treasurer Lisa Frazier, Mason County Clerk Pat Swartos, Mason County Sheriff Steve Whybark, Thurston County Assessor Patricia Costello, Thurston County Clerk Betty Gould, Pacific County Assessor Bruce Walker, Pacific County Treasurer Tracy Shawa, Pacific County Sheriff John Didion, Grays Harbor County Sheriff Mike Whelan, and Lewis County Assessor Dianne Dorey. (Fourteen county officials always beats a handful of lobbyists!) *(Update: Day 2 ended after 2 hours and **HB 2235** was still not heard. The Chair noted that it was a bill "necessary to the implementation of the budget" and not subject to the cutoff.)*

Creation of New Counties Legislation Passes House Committee **HB 1500**

HB 1500, Creation of New Counties, passed out of the House Local Government committee this week on a unanimous vote. The bill sets forth a comprehensive statutory scheme for the creation of new counties that is designed to comply with the requirements of Article XI, Section 3 of the state Constitution, as interpreted in the Cedar County case. The bill is structured such that its initial sections outline the steps

necessary to satisfy state constitutional requirements regarding the petition process (50% of the registered voters of the new county), the requisite population requirements, and the distribution of debts and liabilities. Following this, the provisions of the act cover the following subject matter: 1) The procedural requirements for the enactment of the special legislation necessary to create the new county, including a provision

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

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allowing the voters in the new county to override a legislative refusal to create the new county 2) the establishment of an interim period in order to implement the financial arrangements, election requirements, governmental entities, and public services necessary for the creation of the new county; 3) the division of assets and liabilities between the new county and the parent county(s); 4) the division of property between the new county and the parent county(s); 5) arrangements for the transfer of power between the new county and the parent county(s); 6) the division of taxing powers and other arrangements regarding taxes.

Washington State Association of Counties (WSAC)'s position has been to oppose the creation or consolidation of new counties. The bill now goes to Rules Committee.

County Positions on Amendments to the Open Public Records Bill (SSB 5735) Adopted

The proposed amendments to the Public Disclosure Act changing public records requirements that WSAC, Washington Association of County Officials (WACO) and Washington Association of Prosecuting Attorneys (WAPA) proposed after the hearing last week were adopted in a substitute bill that passed out with all but one member of the committee voting yes.

The language that clarified the attorney/client privilege has proved to be the most controversial section of the substitute bill. The news media have run a number of editorials and news articles in many of this week's

papers expressing strong opposition to the language.

Other sections that were changed included eliminating reference to indexing. They also gave local governments the right to request a deposit.

The bill also adopted a penalty of from \$5 to \$500, and overly broad requests may not be denied solely on the basis of being too broad.

For the most part, the county positions have been adopted in this bill and members are urged to contact the chairman of the Government Operations and Elections Committee, Senator Kastama, and thank him for his leadership on this difficult issue. The bill will now go to the Rules Committee.

Surprisingly, **SHB 1758** moved out of the House State Government Committee and it looks very similar to **SSB 5735**. The notable changes are that the bill does not contain an attorney-client privilege provision and it removes the provision allowing the State Auditor to audit copying costs. The rest of the provisions of **SSB 5735** are similar in the house bill. Apparently the news media would rather have no language on attorney-client privilege than that in the senate version of the bill.

Financial Assistance for Low-Tax-Base Counties Heard in Senate Ways & Means (SB 6050)

Senator Linda Evans Parlette has prime sponsored a bill that would provide permanent funding for low-tax-base counties and cities. It would divert a small amount of the state's real estate excise tax from the Public Works Fund into a new city-county

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

Works Fund into a new city-county assistance account. The funds would be distributed back to eligible counties replacing the yearly "backfill" payments that were intended to give counties assistance since the legislature voted to adopt the repeal of the Motor Vehicle Excise Tax (MVET) authorized in Initiative 695. I-695 was struck down by the Supreme Court, but was subsequently passed by the

Legislature.

The Ways & Means Committee heard representatives of WSAC and the Association of Cities (AWC) testify in support of the bill and explain that many local governments have such a low tax base that they cannot balance their budgets without this state assistance. In 1999, the MVET provided \$51 million to all counties. In the 2004 budget it had dwindled to \$4 million.

Cut-off for action on fiscal bills is next Monday, March 7. Please contact members of the Senate Ways and Means Committee and urge them to pass the bill.

Budget, Finance and Taxes

County Treasurers' Administrative Bill

SHB 1158, the Treasurers'/WACO priority bill relating to county treasurer administrative changes, has moved to the House floor. Please call your representatives and ask them for their support when the bill comes up for a vote. The companion bill, **SSB 5014**, is in Senate Rules, so if you have a member on Rules, please call and ask that the bill be "pulled" to the Senate floor.

Treasurers'/WACO Priority Bill – SHB 1240 – Real Estate Excise Tax

Several treasurers were in town on Tuesday to appear before the House Finance Committee in support of **SHB 1240**, the Treasurers'/WACO priority bill raising the Real Estate Excise Tax fee to fund the development of an automated system to process REET. Judi Morris, Jefferson County; Doug Lasher, Clark County; Ron Strabbing, Grays Harbor County; and Rose Bowman, Lewis County, gave excellent testimony on the need for the increase in REET and addressed the changes to the bill being proposed by the Governors' office/DOR. The state wants the payments accelerated for a

one-time REET sweep to the state general fund for approximately \$44 million. Treasurers are meeting with DOR Thursday afternoon to try to come to agreement on an increase in the county administrative fee to compensate for lost float to the counties.

Farm and Ag Land Tax Exemption

SHB 1801, providing real estate excise tax exemptions for certain farm and agricultural land, passed out of the House Economic Development, Agriculture and Trade Committee Wednesday with amendments addressing county treasurers' concerns.

Cut Proposed for Payment in Lieu of Taxes

(From NACo County News – 2/14/05)
The President is recommending a 12 percent, \$27 million, reduction to the Payments in Lieu of Taxes (PILT) program. He is asking for \$200 million for FY06, down from this year's \$227 appropriation. When asked how cutting PILT squares with the stated departmental mission of "serving communities," Interior Secretary Gale Norton suggested that the PILT cut was, in part, born of a need to reduce the federal deficit and

sharpen the focus on "core" departmental missions.

The President is also proposing to give the Department of the Interior \$115 million for land acquisition under the Land and Water Conservation Fund. The USDA Forest Service and Department of the Interior Healthy Forests Initiative (forest management, hazardous fuels reduction, state fire assistance, vegetation and wildlife management activities etc.) has a budget request of \$867 million, an increase of \$56 million over this year's \$811 million level.

New Infrastructure Funding Techniques Proposed

The Growth Management Act (GMA) authorized GMA-planning counties and cities to impose impact fees for transportation, parks and schools (and for cities, also fire service) to help "growth pay for growth." The State Environmental Policy Act also allows counties and cities to assess a mitigation fee to address the environmental impacts of new development.

Impact fees have been opposed by builders, realtors, and some housing advocates as unfairly penalizing buyers of new homes.

Budget, Finance, and Taxes (continued)

Because of carrying costs and the cost of money, they are especially critical of the practice most counties and cities have to charge the impact fee at the time of permitting, rather than when taking title.

For a variety of these reasons, few GMA-planning counties have imposed impact fees. Many more rely on SEPA as authority to impose mitigation fees for transportation, parks, water quality, and a number of other infrastructure requirements. Impact fees and SEPA mitigation fees may not be charged twice for the same capital facilities.

Proposed Substitute HB 2196 offers the opportunity for a county or city to choose whether to impose impact fees or use a new 0.4 percent Real Estate Excise Tax (or neither) for necessary infrastructure investment in a community. Offered by Rep. Judy Clibborn (D-King County), the bill was heard in the House Finance Committee this week and is expected to be sent to Rules for further work. It has been endorsed by the leadership of the Tri-Association. There are many benefits to the infrastructure funding approach in **PSHB 2196**:

- REET is collected at the time of sale, making it easier on buyers
- The new REET is available for any capital improvements in a capital facilities plan
- The new REET is available to all counties, including non-GMA planning counties

The primary downside to the REET choice is that **PSHB 2196** prohibits collection of both SEPA mitigation fees and the new REET. This is broader than the current double dip prohibition on SEPA and impact fees for the same project.

Another downside -- for custom

homes REET is not paid, only sales tax on construction. In most places, this is more than made up for by the collection of REET on every property sale.

Questions remain about how transition would occur and much work needs to be done to fine tune this proposal. Issues also remain regarding school REET/impact fees. **PSHB 2196** requires a county to impose a school-dedicated REET of up to 0.25 percent at the request of a majority of school districts within a county.

Another school funding proposal, **SHB 1484**, by Rep. Ross Hunter (D-King County) would require a county to place on the ballot a countywide property tax levy at the request of the districts representing a majority of the students in the county. The levy may not exceed 75 cents per thousand dollars of assessed value and may be used only for maintenance and operation of schools. A majority vote is required for passage. Advocates for **SHB 1484** come from areas with high housing costs, where the schools have an especially difficult time hiring teachers who can live in the community in which they teach. The bill must move from House Finance by Monday.

Finally, **HB 1903** proposes infrastructure funding for local economic development priorities. For several years, economic development advocates have worked unsuccessfully to amend the Washington Tax Increment Finance (TIF) legislation to expand its scope and utility. Some TIF advocates have teamed with TIF opponents this year to create a new program for local infrastructure grants to

stimulate community and economic development.

The program -- to be administered by the Community Economic Revitalization Board -- anticipates granting \$50 million per biennium, with any single grant limited to \$10 million. Grant assistance is limited to one-third of project cost.

As introduced, **HB 1903** does not include a fund source. The refuse tax that contributes to the Public Works Trust Fund is suspected to be the front runner for the program.

Courts, Public Safety, Law & Justice

HB 2222 “Eludes” the Cutoff

HB 2222, which enhances a sentence for eluding a police officer, is moving with the same speed of any eluder since it was introduced last Thursday. **HB 2222** was heard in the House Criminal Justice and Corrections Committee and voted out on the same day. In the process, the bill drew the attention of KIRO TV and made it into every home in western Washington by dinnertime. Grays Harbor County Sheriff Mike Whelan testified to the necessity for enhanced sentencing when he recounted an incident in his county in January when a Grays Harbor County deputy saved the lives of several citizens when he rerouted traffic when a person eluding was traveling after dark with his lights off at ninety miles an hour. Officer Dan Wells was cited for bravery and only narrowly escaped injury or possible death himself.

HB 2222 is now in the House Appropriations Committee where it must move out by Monday.

Clerks’ Bill is in the Senate

HB 1471, authentication of documents, a WACO and Washington State Association of County Clerks (WSACC) priority bill has been referred to the Senate Judiciary Committee. If they have not already, clerks are urged to contact Committee Chair, Senator Adam Kline, and request a hearing!

Forensic Pathology

SSB 5035 has been referred to the House Criminal Justice and Corrections Committee and is waiting to be scheduled for a hearing. **SSB 5035** eliminates the forensic pathology specialist program through the University of

Washington. The program, which operated in cooperation with the King County Medical Examiner, provided a "circuit-riding" forensic pathology specialist fellow who performed autopsies in counties without a forensic pathologist. The goal in 1983 when the program was developed was to make quality death investigations available statewide. The program has been vacant for almost five years. Most fellows found permanent employment at the time they were board certified and left.

Weapons in Jails

SSB 5242 needs one more positive vote (a “pull” to get out of Senate Rules to the floor for a vote of the full Senate). The substitute bill will prohibit jail inmates from possessing any weapon, firearm, or any instrument that, if used, could produce serious bodily injury. Jail inmates who violate this provision are guilty of a class C felony. Sheriffs are encouraged to contact their Senators and ask them to move **SSB 5242**.

Spousal Privilege

SB 5133, privileged communications between spouses, moved out of the Senate Judiciary Committee late Wednesday and is now in Rules. **SB 5133** says the rule regarding confidential communications does not apply in felony criminal proceedings involving both spouses in an allegation of criminal conspiracy or joint criminal activity with each other. It is the prerogative of witnesses to decide whether or not to testify for or against their spouses. Prosecutors and sheriffs are encouraged to contact their Senators to support **SB 5133**.

Traffic Safety Cameras

SSB 5060, regulates the use of traffic safety cameras (photo radar to those of you who have already had your picture taken while speeding), but **SB 5060** also says the fines are not subject to the split with the Public Safety and Education Account (PSEA) like other fines for speeding, but remain with the jurisdiction like parking fines. **SSB 5060** sets a bad precedent if you are intent on saving the Public Safety and Education Account. It moved out of Senate Transportation on March 2.

Speaking of PSEA

HB 1046, which eliminates the Public Safety and Education Account, is now **SHB 1046** and is in the House Rules Committee. It directs all revenues from courts that are split with the state to go to the state general fund. WACO and the courts recommended a long, hard look at PSEA first but to no avail.

Runaways and Sheriffs

SB 5848, missing and runaway children, required law enforcement officers who receive a report of a missing child to submit the report to the Washington State Patrol crime information center, and if they have reasonable cause to believe a child is missing, a runaway or absent from the home without the parent’s consent, are to make a good faith effort to locate the child and are not liable for civil damages if they comply with this requirement. The bill moved out of the Senate Human Services and Corrections Committee with no one testifying and no fiscal note requested. Senator Dale Brandland gave the bill a “do not pass.” **SB 5848** is in Senate Rules.

Courts, Public Safety, Law and Justice (continued)

Senate Committee Passes Seatbelt Liability Bill

The Senate Transportation Committee voted Thursday to pass **SSB 5856**, which would remove the current statutory prohibition on allowing evidence of seatbelt usage in civil court actions. This proposal has been on the WSAC legislative agenda for several years, and is seen as a way to help limit government liability when sued by a plaintiff involved in an automobile accident on a county road, state highway, or city street.

Several county officials testified in favor of the bill. Special thanks to Island County Commissioner Mac McDowell, Yakima Prosecuting Attorney Ron Zirkle, Skagit County risk manager Billie Kadrmas and Skagit County civil deputy prosecutor Don Anderson. Also speaking in favor of the bill were representatives of the state Attorney General, Department of Transportation, Washington State Patrol and Washington Traffic Safety Commission.

Opposing the bill is the

Washington State Trial Lawyers Association.

The prohibition on seatbelt evidence was originally enacted as part of a negotiation to make failure to wear a seatbelt a primary traffic infraction. Now, with about 95 percent of Washington motorists complying with the mandatory seatbelt law, committee chairman Senator Mary Margaret Haugen said the evidentiary limitation is no longer appropriate.

Environment, Land Use and Resources

Many GMA Bills Survive First Cut-Off; Most are "Works in Progress"

Efforts to reach agreement between local government, development and environmental interests on GMA legislation continued to falter, but legislation on key GMA topics moved forward this week, with committee chairs in both the House and Senate frequently referring to bills or substitute bills as "works in progress."

SHB 2078 and **SSB 5923** are "works in progress" addressing timelines for GMA updates and opportunities for slow-growing counties and cities to defer one future update. Although both bills retain the existing 7-year update cycle, counties and cities continue to gain legislative support for a 10-year update cycle. **SSB 5923** allows counties in compliance with GMA requirements, a population under 50,000, and a growth rate under 17% to skip one update every 14 years. **SHB 2078** also requires GMA

compliance to skip an update every 14 years, but applies only to counties with a population under 20,000 and a growth rate under 17%. **SHB 2171** allows a one-year deferral of GMA update requirements and creates a Joint Select Committee to examine GMA requirements and processes.

HB 2207, sponsored by Rep. Geoff Simpson (D-King County) addresses the topic of defining and clarifying "best available science" for purposes of designating and protecting critical areas. One of the "works in progress," counties, cities, ports, and the development community are all engaged in working with Rep. Simpson to improve the bill. There is no Senate bill addressing "best available science."

SHB 1639 and its Senate companion **SSB 5619** are both part of a package of GMA revisions proposed by the Washington Environmental Council and Future Wise (formerly 1000 Friends of Washington) to address Puget Sound

water quality concerns. Both have moved from committee over the objections of counties, cities, business and state agencies. Other bills in the package, addressing forest land conversion and open space buffers are **SHB 1637**, **HB 1638**, and **SB 5619**.

Other GMA bills still moving include **SHB 2194** (public participation requirements) and **SSB 6030** (scope of appeals on updates).

Elections, Licensing and Recording

County Auditor Privacy Bill in House & Senate Rules

HB 1385, restricting the information on recorded documents and its Senate companion bill **SSB 5459** are both safely out of committee and in Rules. If you have members on either Rules Committee please ask them to "Pull" **HB 1385** and **SSB 5459**.

Senate Members Need Calls from Auditors on Elections Bills

Several elections bills have reached the Senate floor and calls to Senators asking for their support when the bills come up for a vote would be much appreciated:

SB 5219, changing the primary date and associated dates

(Auditors'/WACO Priority)

SB 5395, requiring voting devices to produce paper records

SB 5499, clarifying and standardizing various election procedures

SB 5743, enhancing voter registration recordkeeping

SB 5744, authorizing county-wide mail ballot elections

SB 5745, harmonizing existing primary laws with the provisions of I-872

SSB 5746, requiring the state to pay its share of even-year election costs, has not been scheduled for hearing in the Senate Ways and Means Committee. This is an Auditors'/WACO priority bill. Please call Ways and Means Committee members and tell them how important this legislation is. Monday is the cutoff date for bills to get out of Ways and Means.

Primary Voters Pamphlet

Auditors' Association President Corky Mattingly, Yakima County, and Auditors' Legislative Co-Chair Kim Wyman, Thurston County, were on hand in the House Appropriations Committee Thursday to testify in support of **HB 1755**, the Secretary of State (SOS) request bill to publish a primary voter's pamphlet. The bill must pass out of committee by March 7. The companion bill, **SB 5741** has not been scheduled for hearing in the Senate Ways and Means Committee.

Election Reform Taskforce Report

The State Government Operations and Accountability Committee will hear a report by the Governor's Elections Reform Taskforce on Friday, March 11, at 8:00 a.m., in HHR D. The Taskforce, headed by Secretary of State Sam Reed, met in five different areas of the state over the last month to get citizen input on improving the elections system in this state, following the closest gubernatorial race in U.S. history. The hearing will be carried on TVW live or those interested can also listen or watch on the Internet at www.tvw.org

Subagent Fee Increase & Recommending a Subagent Successor

HB 1581, revising the authority of a vehicle licensing subagent to recommend a successor was heard Wednesday, March 2 in the House Transportation Committee. Also heard was **HB 1582**, increasing certain fees of licensing subagents. This bill increases the amount a subagent is allowed to collect from \$8.50 to \$10 for changes in a

certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the application or transfer, and increases the \$3 for registration renewal, issuing a transit permit, or any other service to \$4. Douglas County Auditor Thad Duvall testified on behalf of the Auditors' Association on both bills. On **HB 1582**, Duvall testified that the auditors could not support this bill in its current form and felt it would be more appropriate to deal with the issues this bill addresses in the TRAC committee rather than legislation. The Department of Licensing also testified with concerns on this bill. Duvall was happy to offer the auditors' support on **HB 1581**.

General Government Issues

WACO/Auditor Priority Bill Passes Out Committee Amended

SB 5458, increasing the surcharge on recorded documents from \$2 to \$5 for the preservation of historical documents is now in Senate Rules. The companion bill was heard on Tuesday in the House Finance Committee and is scheduled for Executive Session on Monday, March 7. Please contact the members of the Finance Committee and ask them to pass the bill out of committee! Cut off for this committee is Monday. Thank you to Thurston County's dynamic duo Auditor Kim Wyman and Clerk Betty Gould for their great testimony!

NA News Loves Kitsap County's War on Acronyms

Port Orchard, WA -- DCD, GMA, HCODOP-IAM, ASAP – got it? As a government worker you can probably decipher some of this, but many people attending public meetings think it is pure gibberish. Feeling the use of acronyms has gotten out of control, Kitsap County directors and commissioners have begun an attempt to stamp them out by fining offenders a dollar each time they use one during a meeting.

This attempt to better serve aids the community twofold. Each month the money collected from the grammatical glitches goes to charity. In January more than \$100 went to aid the tsunami victims overseas. In February the fund went to a local veteran's charity. So there is really no

loser, unless you are the one spouting DCD, FEMA, CEPA or even IOU.

No one expected the war on non-words to attract so much attention. It began slowly with a small story in a Kitsap County bi-weekly, but soon a media buzz swept across North America. County Commissioner Chris Endresen was interviewed by three Canadian radio stations, and by Tony Ventrella on *KIRO AM*. The *Seattle PI*, *KOMO TV*, *KMPS* and several regional radio stations also picked up the story.

Could this be a trend? Upon hearing the story on CBC radio, Strathcona Co., Alberta, Canada contacted the county officials to find out more about the program. Kitsap County government sent wishes of LOL (lots of luck!).

Washington Counties Scholarships Available!

County elected officials and employees who have students in their families take note!

The Washington Counties' Scholarship Fund is offering five \$2,500 awards to children of county employees who will be enrolled full-time during the 2005/2006 school year in a baccalaureate program, associate degree program or vocational/technical certification program. Complete information and applications are available on the web at www.wacounties.org/waco. **Applications must be postmarked no later than Friday, April 8, 2005.**

Call WACO at (360) 753-7319 or WSAC at (360) 753-1886 if you would like to have an application mailed to you or if you have any questions.

We encourage all students to apply!

Waste Tire Bill Heard

HB 2085, regarding the cleanup of waste tires, was heard in the House Transportation Committee this week. All testimony was in support of the bill. Both WSAC and Washington State Association of Local Public Health Officials (WSALPHO) testified in support of the bill. Commissioner Eric Johnson, testifying on behalf of WSAC and Lewis County, shared with the Committee the waste tire problem that Lewis County faces and that the cost of addressing the problems far outweighs any potential cost recovery from the abatement process. Staff testified that tire piles provide ideal mosquito breeding grounds and burning tires create toxic air – both public health threats. Counties must have the resources needed to clean up tire piles and prevent future illegal piles from being created.

HB 2085 establishes a \$1 fee to be placed on each newly manufactured tire sold in Washington. It would raise approximately \$4 million per year. Revenue from the fee may be spent only to clean up unauthorized waste tire piles and on measures to prevent future accumulation of unauthorized waste tire piles. The Department of Ecology is required to conduct a detailed study of waste tire piles and prepare a plan for their removal. The Office of Financial Management will oversee the study. The study is to be delivered to the Legislature by November 15, 2005. The study must include at least the following elements:

- Identification of existing tire cleanup sites in the State of Washington;
- The estimated number of tires in each tire cleanup site;
- A map identifying the location of each one of the tire cleanup sites;

- A photograph of each one of the tire cleanup sites;
- The estimated cost for cleanup of each tire site by cost component;
- The estimated reimbursement of costs to be recovered from persons or entities that created or have responsibility for the tire cleanup site;
- Identification of the type of reimbursements for recovery by each of the tire cleanup sites;
- The estimated time frame to begin the cleanup project and the estimated completion date for each tire cleanup site;
- An assessment of local government functions relating to unauthorized tire piles, including clean up, enforcement, and public health;
- Identification of local government needs for each one of the counties; and

A statewide cleanup plan based on multiple funding options between twenty cents and sixty cents for each new tire sold in the state starting on July 1, 2005. The plan shall include the estimated time frame to begin each of the tire cleanup sites and the estimated completion date for each one of the sites. In addition, the plan must include a process to be followed in selecting entities to perform the tire site cleanups. The 2006 legislature shall determine the final distribution of the tire cleanup fee and the appropriations for this statewide tire cleanup plan.

Ending Chronic Homelessness Bill Heard in House Appropriations

Representative Ormsby's bill, **HB 2163**, to end chronic homelessness, was heard on Thursday, March 3, in House Appropriations. Both WSAC staff and Thurston County Auditor Kim Wyman, representing the

County Auditors, testified with concerns just as they did in the policy committee, House Housing. A fiscal note has come in with an estimated cost of \$141 million per biennium. This is significantly lower than the \$70-\$80 million per year that King County had as its estimated cost just in King County. If King County is anywhere near an actual cost, the bill would cost three times the \$70-\$80 million or about \$210-\$241 million per year.

Regardless of whether the fiscal note or King County is correct, what is undeniable is that this is a huge package and nowhere near the additional \$27.5 million that would come in as revenue from the surcharges to the document recording fee. Representative Miloscia had some concerns with the cost analysis and discussed them with WSAC staff after the hearing.

Parts of the substitute bill are vastly improved from the bill originally heard in committee. The required set-aside for rent vouchers is completely gone.

With all due respect for the bill's laudable goal, it is too overwhelming at this time, not only in cost but in required administrative duties. Staff will continue to express concerns if the bill continues.

HB 1290 Moves from House Appropriations

Representative Cody's bill that would remove counties from the public mental health system has moved out of the House Appropriations Committee. Additional amendments were added to the original bill. Among those are requirements that there be no less than eight regional support networks and an outside "entity" can only be allowed to manage no more than three Regional Support Networks

Public Health and Human Services (continued)

(RSNs). Boarding homes and adult family homes are added to the definition of residential services. Contracts between an entity and a subcontractor are subject to approval by the Department. The supply of residential services to be provided is determined in the budget. The appropriation is stricken. If the legislature appropriates funds for non-Medicaid clients and services, the amount of the funding and services to be provided will be specified in the budget.

Representative Hinkle had a proposed amendment that would further clarify an expedited process for getting individuals back on Medicaid and requires the Department of Social and Health

Services (DSHS) to work with the Washington Association of Sheriffs and Police Chiefs (WASPC) and the RSNs to develop procedures for Medicaid reinstatement and/or eligibility determinations. At this time, staff is unsure whether Hinkle's amendment was added since the bill is not yet entered in the electronic tracking system.

Next stop is House Rules. Commissioners and staff are encouraged to keep up their efforts in contacting members and educating them regarding our opposition to this bill.

Schedules are subject to change- PLEASE check this link <http://www.leg.wa.gov/wsladm/calendar.htm>

JAC = John A. Cherberg Bldg / JLOB = John L. O'Brien Bldg

Bill #	Committee	Description	Time	Location Bldg/Room	Date
Work Session	House Children & Family Services	Washington School for the Deaf Office of the Family and Children's Ombudsman	8:00	JLOB D	3/9/05
Work Session	House Commerce Joint w/ Senate Labor/Commerce, Research & Development	In-Home Child Care Industry	8:00	SHR 4	3/9/05
SB 5048	House Finance	Prohibiting tobacco sampling	1:30	JLOB C	3/7/05
Work Session	House Housing	The Homeless Management Information System	8:00	JLOB D	3/8/05

Senate Transportation Committee Passes Local Option Bill

On Thursday, March 3, the Senate Transportation Committee passed **SSB 6016**, which provides local transportation funding options. Originally, the bill contained four options: a vehicle license fee, a vehicle weight fee, an increase to the existing local option gas tax, and a reauthorization of the cities' street utility tax.

During the earlier public hearing on the bill, the business lobby took issue with both the street utility tax and the local option gas tax. Consequently, a proposed substitute was offered and on Thursday it narrowly passed by the committee.

The new version of **SSB 6016** still contains four funding options, but only one of the original options remains – the vehicle license fee. The other three options were stripped from the bill, and replaced with:

- a household excise tax of not more than \$1 per month for each housing unit;
- a employer tax of up to \$2 per employee, measured by the number of full-time equivalent employees, and;
- a transportation fee of up to \$50 per lot.

Each of the options may be imposed solely by the county, unlike the original bill, which allowed both the counties and cities to impose the options. Further, the amended version changed the revenue distribution formula from one based on where the vehicles were registered to a formula based on population.

The population based formula is preferred by the counties and was the formula implemented in 1990

when the vehicle license fee was first enacted (later repealed by I-776). It was weighed in favor of the counties: \$1.50 per capita in the unincorporated area and \$1 per capita in the incorporated area. The amended **SSB 6016** utilizes that formula.

All funds generated by the options must be used for transportation purposes in accordance with RCW 82.80.070.

The House Transportation Committee is not expected to act on the house version, **HB 1989**.

Legislation Giving WSDOT Mitigation Authority Passed from Committee

The Senate Transportation Committee passed out **SB 5164** on Thursday. That bill originally gave WSDOT impact fee authority, but the committee amended the bill; **SB 5164** now contains mitigation fee authority.

The amended bill grants WSDOT the power to impose mitigation or mitigation fees on development activity that creates significant demand on highways of statewide significance, related facilities and state highways in an urban growth area. Like counties, WSDOT must comply with timelines and restrictions of SEPA. Like the original bill, WSDOT may assess its fee through locals or separately.

The amended bill contains a notice requirement: local governments must notify WSDOT within 2 working days for projects subject to SEPA or adjacent to a highway of statewide significance or state highway in an urban growth area.

Training and Upcoming Events

Managing Project Costs Workshop

A workshop for public owners in managing project costs is being offered on April 1, 2005 at the Red Lion on Fifth Avenue in Seattle, by Contract Solutions Group, Inc. "Improving Owner Cost Control and Claim Recovery for Architectural/Engineering Services" will address techniques for managing design professional costs and performance. Among contract management professionals speaking at the workshop is Christy True, a King County wastewater manager.

The workshop fee is \$179 for public agencies; \$139 for multiple attendees. Details on the workshop can be found at www.contractsolutionsgroup.com. To register, use the website or contact Jeri Jennings, CSG's Program Director at 206-463-7487.

Support Staff Conference March 23 or 24

Pierce County, along with Metro Parks (Tacoma), Tacoma Community College and Washington State Department of Personnel, is presenting "Spring Forward...A Field Day of Learning." It will be a unique opportunity for a day of learning. More information is available at this link <http://www.tacoma.ctc.edu/train/Brochure.pdf>.

This one-day conference will be held on March 23rd and 24th, repeated in full the second day, so that all support staff in an organization can attend without creating a staffing hardship. Participants may also attend for two days at a reduced cost for the second day. Fees are outlined on the registration form. The conference will be located on the main campus of Tacoma Community College at South 19th and Mildred Street, Tacoma, Washington. A map and directions are available on-line at www.tacoma.ctc.edu/tccmap.shtm.

Calendar of Events

Meeting	Location	Date	Information
For your convenience training and workshops are bolded.			
<u>MARCH 2005</u>			
National Association of Clerks, Recorders and Elections Officials (NACRC) Legislative Conference (with NACo)	Marriott Wardman, Washington, D.C.	March 4 - 6	www.nacrc.org
National Association of Counties' (NACo) Annual Legislative Conference	Marriot Wardman Park Hotel, Washington, DC	March 4 - 8	www.naco.org
'Your Path to the Marketplace'	Pend Oreille County	Mar. 5 – Apr. 16	(509) 447-2401
WA Association of Coroners and Medical Examiners' (WACME) Medicolegal Training	WA State Association of Sheriffs and Police Chiefs Bldg, Lacey	March 7-11	(360) 753-7319
Washington State Association of County Auditors' Recording Conference	Red Lion Hotel, Wenatchee	March 15-16	(360) 753-7319
Assn of County Human Services	Skamania County	March 16 - 18	(360) 753-1886
Washington Counties Insurance Fund (WCIF)/Washington Counties Insurance Pool (WCIP) Boards and Insurance Advisory Committee	Red Lion at the Park, Spokane	March 17	(360) 586-0466
Washington Counties Risk Pool (WCRP) Focus Training "Land Use Issues 2005"	LaQuinta Inn & Suites/Conference Center, Tacoma	March 22	(360) 586-7447
WCAA Annual Conference – Winter	Enzian Inn, Leavenworth	March 23 – 25	(360) 753-1886
Washington Counties Risk Pool (WCRP) Focus Training "Land Use Issues 2005"	Best Western Lake Inn/Conference Center, Moses Lake	March 24	(360) 586-7447
WSAC Rural Issues Sub-committee	WA Counties Bldg, Olympia	March 24	(360) 753-1886
Urban County Caucus	Mercato Ristorante', Olympia	March 24	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	March 25	(360) 753-1886
CPO Elective Course: Public Meetings, Public Disclosure & More - Do You Know the Rules?	Colfax	March 30	http://d30060429.purehost.com/CPO/CPO.htm
CPO Elective Course: Public Meetings, Public Disclosure & More - Do You Know the Rules?	Ellensburg	March 31	http://d30060429.purehost.com/CPO/CPO.htm
<u>APRIL 2005</u>			
CPO Elective Course: Public Meetings, Public Disclosure & More - Do You Know the Rules?	Mt. Vernon	April 6	http://d30060429.purehost.com/CPO/CPO.htm
WACO Board of Trustees' Meeting	Washington Counties Building, Olympia	April 6-7	
CPO Elective Course: Public Meetings, Public Disclosure & More - Do You Know the Rules?	Pierce County	April 7	http://d30060429.purehost.com/CPO/CPO.htm
16 th Annual National County Government Week		April 10-16	

Calendar of Events (continued)

Washington Counties Insurance Fund (WCIF)/Washington Counties Insurance Pool (WCIP) Ace Committee (HR & Payroll Only)	Yakima Convention Center	April 13	(360) 586-0466
Washington Counties Risk Pool (WCRP) Risk Managers Roundtable, 1- 5 pm	Best Western CottonTree Convention Center, Mt. Vernon	April 13	(360) 586-7447
Washington Counties Risk Pool (WCRP) Spring Board Meeting, 9 am	Best Western CottonTree Convention Center, Mt. Vernon	April 14	(360) 586-7447
WSAC Rural Issues Sub-committee	WA Counties Bldg, Olympia	April 14	(360) 753-1886
Urban County Caucus	Mercato Ristorante', Olympia	April 14	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	April 15	(360) 753-1886
Washington STATE	Sine Die - 59th Legislative Session Ends	April 25	http://www.leg.wa.gov/wsladm/calendar.cfm
Washington Association of Prosecuting Attorneys (WAPA) Spring Training Program	La Quinta Inn, Tacoma	April 27-29	(360) 753-2175
<u>MAY 2005</u>			
WA Association of Prosecuting Attorneys-Support Enforcement 2005 Training	Red Lion Hotel, Olympia	May 2-6	(360) 753-3953
WA State Association of County Auditors' Elections Conference	Shilo Inn, Ocean Shores	May 9-12	(360) 753-7319
WA Association of Prosecuting Attorneys' Support Staff Training Program	WestCoast Ridpath Hotel, Spokane	May 11-13	(360) 753-2175
Assn of County Human Services	Kennewick	May 18-20	(360) 753-1886
WSAC Spring Eastern District	Red Lion Hotel Columbia Center, Kennewick	May 19-20	www.wacounties.org/wsac
WA State Association of Sheriffs & Police Chiefs' Spring Conference	Coast Hotel, Wenatchee	May 23-26	(360) 486-2380
NACo – Western Interstate Region Conference	Tacoma, WA	May 25 - 27	http://www.naco.org/Content/NavigationMenu/About_NACo/Committees_and_Caucuses/Western_Interstate_Region/Western_Interstate_Region_Intro.htm
MEMORIAL DAY	WA Counties Bldg CLOSED	May 30	(360) 753-1886

Courthouse Ramblings

Mason County turns 151! Mason County is hosting a reception to celebrate their 151st birthday on Thursday, March 17 at the Mason County Fairgrounds, Building 13,

starting at 3 p.m. There will be several historical exhibits on display and the program will include a presentation by the Commissioners of Mason County's past, present and

future. Everyone is welcome to join in the celebration. For more information, please call the Commissioners office at 427-9670 ext. 419.

Attachments

Judge lets them off; they say 'no thanks'

KENNETH P. VOGEL; The News Tribune

Last updated: February 28th, 2005 10:37 AM (PST)

Usually, when governments are dismissed from lawsuits, they can't find the courtroom exit fast enough.

But three counties and two auditors have decided to remain as defendants even though a judge dismissed the state's 39 counties and their election officials from the Republican lawsuit seeking to overturn Democrat Christine Gregoire's 129-vote victory in last year's governor's race.

That's opened them up to charges from officials in other counties - and their own - that they're putting politics ahead of taxpayers, since many counties complained the case was straining their resources.

The governments that opted to remain in the case - Chelan, Klickitat and Snohomish counties and the Klickitat and Lewis county auditors - are now the only ones required to respond to certain types of requests for information.

Voters in those counties went for Rossi by margins ranging from two to 33 percentage points. Rossi, who finished ahead of Gregoire in two vote counts before losing an unprecedented hand recount of 2.9 million ballots, won 31 of 39 counties. But those showings were offset by Gregoire's 155,000-vote victory in King County.

The Republican lawsuit, which was filed in Chelan County Superior Court and has yet to be scheduled for trial, argues that the election was so flawed that it's impossible to know who won. It asks the court to overturn the election and force a new one.

Some of the county officials involved in deciding to remain in the case told The News Tribune they'd like a new election because they agree with Republicans that the election was botched - just not in their counties. Most said they based their decisions on policy, not politics, and that

it's worth the cost to have a say in the historic case.

But Lewis County Auditor Gary Zandell, a Republican, said the GOP's allegations of illegal and improperly handled votes call into question "the legitimacy of our current government."

Noting that Rossi won Lewis County 65-32 percent, Zandell said remaining in the case "would be respecting the wishes of the voting public here."

Zandell, who's served 25 consecutive years as auditor, said, "I'm a partisan office. It's no secret that I might back Rossi. But I've been in the election business for 29 years and I've seen all the warts and the blemishes."

Pierce County gets out

The lawsuit named as defendants all 39 counties and their elections officials, Secretary of State Sam Reed, Speaker of the House Frank Chopp and Lt. Gov. Brad Owen for their roles in administering and certifying the election.

In a January hearing in Wenatchee, Superior Court Judge John Bridges excused Owen and Chopp. On Feb. 4, Bridges further trimmed the list of participants by dismissing all the counties, 23 of which were represented by lawyers either in the courtroom or on a telephone conference call.

Bridges said the counties are "not necessarily helpful and are more burdensome" to the case.

That left only Reed's office and the state Democratic Party, which intervened in the case and has been providing a lion's share of the opposition, as required parties.

Pierce County, which led the charge to get the counties dismissed, decided it would be too expensive to remain in the case, said Dan Hamilton, a deputy prosecutor who handled the case for county Auditor Pat McCarthy.

"So now, as third parties, the burden is much less," Hamilton said. "They can't make us sit down and do their work for

them." He estimated that the county spent more than \$100,000 on the case.

Pierce County went for Rossi, but Hamilton said politics played no part in how the county approached the suit.

"Our motivation is plain and simple - and that is what's best for Pierce County taxpayers and Pierce County voters," Hamilton said, charging that politics motivated the counties that opted in.

Though he acknowledged the suit could affect counties if a new election is ordered, he said Pierce County could weigh in if the case gets to the state Supreme Court, which is expected to get the final say.

Others stay in

It's unlikely that dismissed counties would be allowed back into the case, said Snohomish County Council Chairman Gary Nelson, a Republican and former state legislator who supports nullifying the election.

"These other jokers - they're off there on the sidelines now. They can just wait to see what a county like ours does," said Nelson, who estimated that remaining a party to the case would cost the county only about \$500.

"I go cheap. I don't spend a lot of time with these lawyers," he said.

Last week, the Snohomish County Council's three Republicans and two Democrats voted unanimously to remain a party to the suit.

The motion reads: "Snohomish County desires to remain a party to the election contest in order to be of assistance to the Superior Court and to thereby demonstrate to its citizens that the election processes employed in Snohomish County are transparent and responsive to relevant federal, state, and local election laws."

Nelson added: "And we want to make sure that the problems in other counties don't get washed over onto us."

Attachments (Continued)

Chelan County Commissioner Buell Hawkins and Klickitat County Prosecutor Tim O'Neill, both elected Republicans in counties where all the commissioners are Republicans, said they would have wanted their counties to stay in the case if Rossi had won and Democrats were the ones suing.

"We've done nothing wrong and we're treating the Democrats and the Republicans the same," O'Neill said. "We're voicing our support for the voters in this area and in the state of making sure that their interests are represented through the election process."

But not all of Klickitat County's leaders share that view. County Auditor Diana Housden, a Democrat, didn't want to remain in the case, according to Barnett Kalikow, a private lawyer in Olympia who is representing her office.

"But after I found out that the Klickitat County commissioners stayed in, I felt that my client had no choice, because once the county is a party, they control the discovery process. ... They can compel her to provide answers in certain ways that I, as her counsel, would suggest that she not provide," Kalikow said.

"I don't think personally that it's a particularly good use of tax dollars," he added. "There's nothing in it for my client and, as far as I can tell, there's nothing in it for any county."

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NINE FAMOUS IRISHMEN

In the young Irish disorders, in Ireland in 1848, the following nine men were captured, tried and convicted of treason against Her Majesty, the Queen, and were sentenced to death: John Mitchell, Morris Leyne, Pat Donahue, Thomas McGee, Charles Duffy, Thomas

Meagher, Richard O'Gorman, Terrance McManus, and Michael Ireland.

Before passing sentence, the judge asked if there was anything that anyone wished to say. Meagher, speaking for all, said, "My Lord, this is our first offence, but not our last. If you will be easy with us, this once we promise, on our word as gentlemen, to try to do better next time. And next time - sure we won't be fools to get caught." Thereupon, the indignant judge sentenced them all to be hanged by the neck until dead, and drawn and quartered. Passionate protest from all the world forced Queen Victoria to commute the sentence to transportation for life to far, wild Australia.

In 1874, word reached an astounded Queen Victoria that the Sir Charles Duffy who had been elected Prime Minister of Australia, was the same **Charles Duffy** who had been transported 25 years before. On the Queen's demand, the records of the rest of the transported men were revealed and this is what was uncovered:

Thomas Francis Meagher:
Governor of Montana

Terrance McManus:
Brigadier General, US Army

Patrick Donahue:
Brigadier General, US Army

Morris Leyne:
Attorney General of Australia in which office **Michael Ireland** succeeded him.

Richard O'Gorham:
Governor General of Newfoundland

Thomas D'Archy McGee:
Member of Parliament, Montreal, Minister of Agriculture and President of Council Dominion of Canada.

John Mitchell:
Prominent New York Politician. This man was the father of John Purroy Mitchell, Mayor of New York at the outbreak of World War One.