

# the Courthouse Journal

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Courthouse Journal*

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"3"  
Important  
Attachments  
to this Journal**

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

## Streamlined Sales Tax Agreement **SSB 6594** Passes Senate Unanimously

Sales Tax Streamlining passed on the floor of the Senate unanimously on Wednesday morning. Thank you to all of you that contacted your Senators to encourage them to support this important piece of legislation. Please take time to close the loop and thank your Senator for their support of **SSB 6594**.

No rest though. It is time to contact your members in the House of Representatives so we can again achieve broad bi-partisan support.

It is important to remember what SSTA is - an effort created by state governments, local governments, and the private sector to simplify and modernize sales and use tax collection and administration. The SSTA includes tax law simplifications (uniform definitions, sourcing, etc.), more efficient administrative procedures, and emerging technologies to substantially reduce the burden of tax collection. The SSTA is focused on improving sales and use tax administration systems for both Main Street, internet and catalog sellers for all types of commerce.

SSTA is an interstate agreement designed to streamline the administration of sales tax across the nation and provide internet and catalog sellers incentives to **voluntarily** begin collecting state sales taxes. Sellers that register under the SSTA are provided amnesty for failing to collect sales taxes in exchange for future sales tax collection for states that conform to the

SSTA. Registered sellers are also compensated for the cost of collecting sales taxes. To date, over 230 sellers have registered under the SSTA.

**SSTA does NOT "Tax the Internet":** SSTA legislation will not tax the Internet. Only Congress can act to require internet sellers to collect state sales taxes. However, SSTA sets up a simple and cost-effective system for internet sellers to collect state sales taxes.

To make SSTA work for counties, **SSB 6594** includes:

- **Full Mitigation of Revenue Losses:** Local governments support an approach where actual losses are fully mitigated. As the revenue base in a jurisdiction recovers over time through new SSTA revenues, mitigation phases out.
- **Taxing Jurisdictions are Identified Using DOR's Address Based Systems:** Use of zip codes to identify taxing jurisdictions will cause taxes to be attributed to larger cities to the exclusion of small cities and unincorporated areas. If the SSTA requires the use of zip codes, the state must mitigate losses.

Within this edition of the courthouse journal is a table estimating the amount each county shall receive in FY 08 from the implementation for the SSTA.

(See Attachment - Streamline County Fiscal Impact)

**Want to post a job announcement on our webpage?**

E-mail your info to [bwarden@wacounties.org](mailto:bwarden@wacounties.org)

**What information do you need to include in your e-mail?**

Visit [Employment Opportunities](http://wacounties.org/employment)

## **The Courthouse Journal**

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

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## **Chris Endresen Appointed WSAC Secretary/Treasurer**

Kitsap County Commissioner Chris Endresen was appointed to the vacant position of Secretary/Treasurer by the WSAC Board of Directors. The position became vacant when former Vice-President Carolyn Edmonds failed to win re-election to the King County Council. That left a vacancy in the position of Vice-president and according to the bylaws was filled by then Secretary/Treasurer Leo Bowman, Benton County Commissioner.

Endresen will serve in her new position until the Annual Conference in September and then move up to Vice-president. At that time the bylaws call for a member from the Eastern District to fill the position of Secretary/Treasurer.

## **WSAC Board Votes to Restore Summer Meeting**

Last week, the WSAC Board of Directors voted to hold a summer meeting again beginning in June 2007. President Dean Burton has been visiting and talking to many members in the last three months and he proposed to the Board that they consider reinstating the summer meeting. He also suggested having the spring district meetings held in conjunction with the summer meeting, but the Board decided that was a decision the districts should make on their own.

Since the 2007 Annual Conference will be in Vancouver the Summer Meeting will be held in eastern Washington. The Board will award bids when they meet in Wenatchee on May 3, 2006.

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

# Budget, Finance and Taxes

## PILT Payments

The final report is now available for PILT Payments (payment in lieu of taxes) that are paid to counties. The report is available on the WACO home page simply click on the following link:

<http://wacounties.org/waco/index.htm> and click on "More Information".

This is the final report as directed and mandated by **ESSB 5396**, which mandated the study. County assessors and other county departments should find it of interest.

Briefly what the report points out is that counties may not be receiving the entire amount of PILT payments to which they are entitled. The report is based on a study of six counties in which less than 30% of their land mass is taxable. The counties involved in the study were: Yakima, Okanogan, Ferry, Chelan, Skamania and Jefferson Counties; although the data collected can be applied to more than just those counties.

## Assessment of Lands with Structures

Hearings were held recently concerning **SB 6403** and **SB 6603**. **SB6403** would create another assessment on lands not in a Fire Protection District with structures located on them. This bill would require the assessor to locate and list these lands; then apply a rate equal to ½ of the average of all the Fire District's levy rates in that county. This would be over and above the fire patrol rate assessment (FPRA) currently in place in most counties. Supplemental FPRA would be assessed and collected by the

assessors and the treasurers. The county treasurer would distribute 50% of the monies directly to counties and their fire protection districts for their use to improve the local infrastructure supporting fire suppression activities on forest lands. The other 50% would be distributed to the Department of Natural Resources (DNR). One of the problems is that we just don't have an accurate feel for the amount of money that may be generated. It would require some in depth work by assessors just to generate a trial figure. It was felt by many that this added assessment would be difficult for landowners to understand, because it does not bind DNR to fight structure fires on their property.

A much better approach might be to use **SB 6603** and simply create a panel of broad spectrum stakeholders to study not only the issue of structures on DNR land, but the whole gamut of problems that are associated with dwellings and structures in areas not supported by Fire Protection Districts and report back to the legislature by December 2006. Rather than saddle every county with a new assessment which the taxpayers wouldn't understand, it would seem to be the most prudent way to approach this problem.

## REET Automation Bill

**SB 6577**, modifying the electronic administration of the real estate excise tax and revising the fees, was heard by the Senate Ways and Means Committee, on Wednesday. Treasurers' Association President Judi Morris, Jefferson County

Treasurer, and Grays Harbor County Treasurer Ron Strabbing, Treasurers' Legislative Committee vice chair, testified in favor of the bill. The companion bill, **HB 2879**, was passed out of the House Finance Committee with a do pass recommendation, to Rules.

## Mobile Homes

Thurston County Treasurer Robin Hunt testified against **HB 2719**, authorizing the conditional cancellation of delinquent property taxes on mobile homes, in the House Housing Committee, Thursday, on behalf of the County Treasurers' Association. New language is being developed with the proponents that should make the bill acceptable to the treasurers.

## Expanding Waiver of Interest and Penalties

**SB 6335**, expanding the waiver of interest and penalties for property tax delinquencies, is being heard on Monday, January 30, at 10:00 a.m., in the Senate Government Operations and Elections Committee. Treasurers oppose the bill, which among other things, says interest and penalties will be waived when a taxpayer fails to make a payment due to circumstance beyond their control.

## Oh Shift

Bills have to try very hard to make the Oh Shift list. Once again, we have an outstanding candidate.

Very recently **SB 5298** Exempting Qualified Historic Property from Property Tax popped up with a hearing date. This is a bill that carried over from the last session. Essentially, it creates an exemption

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## ***Budget, Finance and Taxes (continued)***

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from maintenance and repair activities that have occurred since January 1, 2004. It goes on to quote a very extensive list of things you can do to qualify. The structure does have to be listed on the Historic Register, be residential and occupied by the owner, and have incurred expense that exceed ten per cent of the assessed value of the property.

You can “reach back” back five years for these expenses while living in the dwelling. Also troubling is that you can carry forward monies expended in excess of the ten per cent for future years.

This would appear to be problematic for the Assessors’ to administer. Especially troubling is

verifying it is used as a full time residence. We should hope this bill goes away.

### Meth on Monday and Thursday!

The Washington State Sheriffs' Association (WSSA) was instrumental in developing companion bills, **SB 6484** and **HB 2919**. Both bills establish three pilot areas in corners of the state and provide funding of \$1.575 million annually for four fiscal years to be divided equally among the pilots to provide deputies, deputy prosecutors, a court clerk and clerical staff for each. The bills are being sponsored by Senator Mark Doumit, Representative Brian Blake and legislators from the three areas.

**SB 6484** will be heard Monday, Jan. 30, in Senate Ways and Means at 1:30 p.m. and **HB 2919** is scheduled for the House Law and Justice Committee on Thursday, February 1, at 8:00 a.m.

### Missing Persons Legislation

A leaner **HB 2805** is expected to pass out of the House Criminal Justice and Corrections Committee today. The substitute that will be offered has eliminated time constraints that would have necessitated increased staffing levels in the crime laboratory and that generated a large fiscal note.

The substitute **HB 2805** will, hopefully, still include a missing persons' website to be developed by WASPC in the event funding is provided. WACO is charged with continuing to coordinate meetings among several interested parties. The Forensic Investigations Council, in coordination with the Washington State Coroners and Medical Examiners will assist in the educational component through

programs they currently have in place.

In the same session, the Criminal Justice and Corrections Committee will hear **HB 2748** which will expand the collection of DNA samples for some crimes other than just felonies.

### Justice Cause - County Pleads w/State for More Money

*Published on: January 18, 2006 Yakima Herald-Republic / BY David Lester*

Saying they are one death penalty case away from bankruptcy, Yakima County commissioners are going with hat in hand to Gov. Christine Gregoire. It's a stark statement about the impacts a costly death penalty case could have on county finances, but not an understatement, commissioners argue. Such cases, depending on their complexity, could cost \$1 million. The county could get a chance to go belly-up twice, since two defendants currently in county custody could face a death penalty trial. One of the two cases already has cost \$270,000. "We have 25 homicide cases coming through our system. They are costly, particularly the death penalty cases," said Harold Delia, administrative consultant for Yakima County courts. "The question is does the community want us to plea those out and save the money or do they want justice? This is what it costs."

County commissioners hope the governor - or the Legislature - will begin dealing with local government funding woes, a problem that stretches from Asotin, the county seat of Asotin County, to Port Angeles in Clallam County. Commissioner Ron Gamache of Toppenish will make the county's

first plea in a meeting Thursday with the governor's budget director and legislative director. What commissioners have suggested is the State considers carving off a piece of the state's 6.5-cent share of the sales tax to bolster county funding. The three-tenths of a cent that voters approved last year for criminal justice has helped, they say, but can't solve all of the problems.

Yakima County isn't alone, according to the organization that represents counties statewide. Bill Vogler, executive director of the Washington State Association of Counties, said the state's tax system is flawed when it comes to county funding. The primary revenue sources are property taxes and the sales tax. "The system is not designed to carry the workload assigned to counties," Vogler said. "Unless the state is willing to share to a greater extent, you will continue to hear about these things from counties." Taxing limits, rising crime costs and a limited tax base have a number of counties looking for help. Only 23 percent of Yakima County's expansive land base is taxable. Commission Chairman Jesse Palacios said the limited tax base makes financing local government difficult. "It creates a real financial problem for us. Maybe the state should look at us differently than the more affluent counties. There is a difference between Medina and Mabton," he said. Medina is the affluent Seattle suburb that is home to Microsoft billionaire Bill Gates. Major changes in the tax structure are unlikely.

What the Washington State Association of Counties is hoping to do this legislative session is continue

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

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to slice around the edges, gaining limited new funding for counties. Legislative action did provide Yakima County with almost \$667,000 for 2006, including higher court filing fees and public works trust fund money for economically distressed counties. But that assistance, while appreciated, isn't letting the county keep pace with higher costs.

Property taxes and sales tax make up 44 percent of Yakima County income. Another big chunk - 24 percent - is county jail bed-rental income. The remainder is investment earnings, state and federal funds and fines, fees and charges. Yakima County has a \$61 million budget this year. Commissioner Mike Leita said the funding issue for counties is much bigger than individual counties can deal with alone. "This is a state issue. We are part of the state," he said. There is some precedent, albeit limited, for the county's request.

Governor Gregoire last year agreed to provide land-rich but business-poor Ferry County with \$150,000 from her emergency discretionary fund. Ferry County sought help just to meet payroll, said Mike Blankenship, chairman of the three-member county commission. In order to receive the help, however, Ferry County had to submit to a top-to-bottom review of county government conducted by the state Department of Community Trade and Economic Development. The review concluded Ferry County was in severe straits. The county had used its road tax dollars to pay for general government, some \$775,000 last year.

With no money for road construction and repair, Ferry County has a backlog of work estimated at \$40 million. The local tax structure, the report said, can't support basic local government services. Blankenship, in his sixth year as commissioner, said he has come to the same conclusion as Leita - that county funding woes are a state issue. "Where do you draw the line in the sand and say this is the minimum required level of service," Blankenship asked during a telephone interview. "I don't personally feel that we can come up with an answer that will head off where all counties are headed."

While Yakima County has 30 times the population and 20 times the budget as Ferry County, both counties have a limited tax base. Just 19 percent of Ferry County pays property taxes because the county is home to an Indian reservation and federal forest land. Vogler said solving the issue is difficult since there's a great disparity between the amounts of revenue a large, urban county can generate when compared to more rural counties. But a solution is necessary before counties have to make some stark choices. "Some counties are going to face such severe financial stress that they are going to have to ask a fundamental question of which constitutionally required services do they provide or not provide," he said.

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### Former County Exec Leads Testimony for Liability Reform

Former Snohomish County Executive Bob Drewel represented

local government Thursday speaking in favor of **SB 6215**, which would limit liability for governmental activities. The Senate Judiciary Committee held a public hearing on the bill, which is sponsored by the committee chairman, Senator Adam Kline, at the request of Attorney General Rob McKenna.

WSAC supports efforts to limit government liability.

Drewel, currently director of the Puget Sound Regional Council, reflected on his years as Snohomish County executive and how increased liability exposure, the rising costs of litigation, and damage awards are limiting counties' abilities to effectively and efficiently provide mandated services to the public. Drewel was joined at the podium by representatives of the AG's office. Speaking against the bill were representatives of the Washington State Trial Lawyers Association.

The bill intends to return state and local government to a position that it argues the Legislature intended when sovereign immunity was waived in the early 1960s - that of being liable only for conduct comparable to private activities for which private persons also would be liable. Under this bill, liability would be limited for discretionary government decision-making, regulatory activities, failure to enforce laws, road design and the actions of third parties under community supervision.

# Elections, Licensing and Recording

## Of Interest to County Clerks

Both county clerk priority bills will be heard on Wednesday, February 1, at 3:30 p.m. in the Senate Judiciary Committee. They are **SB 6670**, a bill to make application of fee statutes consistent and **HB 1471**, a bill to allow electronic transmission of certified documents and by means other than telegraph. County clerks are encouraged to let their Senators know these are WSACC priorities.

## County Auditors Meet in Olympia, Attend Hearings

The County Auditors' Association held both its Licensing Conference and Legislative Conference in Olympia this week and spent time visiting with legislators about bills of interest and attending hearings.

Island County Auditor **Suzanne Sinclair**, and Snohomish County Auditor **Bob Terwilliger** co-chairs of the Auditors' Legislative Committee, testified in favor of three of their request bills this week before the Senate Government Operations and Elections Committee: **SB 6421 (HB 2694)**, eliminating Saturday counting of ballots; **SB 6422 (HB 2696)**, modifying election recount provisions; and **SB 6423 (HB 2695)**, modifying telephone notification requirements on absentee or provisional ballots.

Several bills of concern to auditors were heard by the State Government Operations and Accountability Committee on Wednesday. County auditors who have any trepidations over these bills, should call their legislators and ask that they not move forward. **HB 2484**, making changes to the partisan primary ballot format, was addressed by

Suzanne Sinclair and Pierce County Auditor Pat McCarthy, as was **HB 2523**, auditing the signature verification process in elections. Bob Terwilliger and Suzanne Sinclair spoke to **HB 2532**, providing for election audits.

Spokane County Auditor **Vicki Dalton** expressed concerns over **HB 2594**, providing assistance to non-English speaking voters. Sec. 203 of the Voting Rights Act that requires that voting materials and ballots be printed in the language of an applicable minority group as well as in English, will sunset next year. The law applies if more than 10,000 or over five percent of the total voting age citizens in a county have limited English. **HB 2594** lowers that threshold (3.75%/7,500 voters) and requires an interpreter if more than three percent of the voting age population speaks a common native language other than English. Vicki pointed out that while auditors want to make it as easy as possible for everyone in these communities to vote, it would be best to see if the Congress reauthorizes Sec. 203 (most likely) because the Department of Justice is who determines whether there are enough members of a minority language group in a county and that counties do not have the resources either to decide that or to pay for interpreters. Interpretation, especially on ballot measures, is especially tricky because some languages don't have words for certain English terms and as others testified, there are different dialects and worries that phrases are not being portrayed the way they should be.

Another bill heard by the State Government Operations Committee

was **HB 2843**, prohibiting county auditors from putting their names on absentee ballot envelopes when running for re-election. Suzanne Sinclair stated that the auditors were amenable to that, but some had large supplies of envelopes which cost a great deal of money and if the effective date could be moved to next year, it would be helpful. The prime sponsor, Representative Holmquist is agreeable to that.

## Primary Date Change (WACO/County Auditor/SOS Legislative Recommendation)

**SB 6236**, changing the date of the primary from the third Tuesday in September to the third Tuesday in August, is on the Senate calendar, awaiting a vote any day.

## Hearings Next Week

**HB 2750**, prohibiting disclosure of federal social security numbers by county auditors, will be heard by the House State Government and Accountability Committee on Tuesday, January 31, at 10:00 a.m. This is the bill that would require that the SS numbers be redacted from all documents, records or files available to the public for inspection. The county auditors will weigh in with major concerns. The bill does include a surcharge of one dollar per instrument recorded by the auditor for purposes of creating a system to remove the numbers.

**HB 3041**, modifying voter registration timelines and supported by the county auditors, will be heard by the House State Government Operations Committee on Wednesday, February 1, at 1:30 p.m.

# Environment, Land Use and Resources

## Hearings Held on Governors' Land Use Agenda

House Local Government, Senate Government Operations and Elections, House Judiciary and Senate Agriculture and Rural Economic Development held hearings on their respective pieces of the four prong Governors Land Use Agenda.

**HB 2917/SB 6575** provides for the ability for greater agriculture activities including "production, storage, distribution and marketing" of ag products and adds "non-agricultural related uses" that are "compatible in size, scale, and intensity with and will not interfere with the agricultural use of the property and neighboring properties

**HB 2814/6427** provides a three year extension to GMA planning requirements, except critical areas, to those counties that had a population of less than fifty thousand and had its population increase by seventeen percent or less in the ten years. Similarly, the bill also effects cities with a population of less than one hundred, or had a population of greater than one hundred and less than five thousand and had its population increase by seventeen percent or less in the prior ten years.

**HB 2815/6569** contains three basic following elements:

1. The growth management hearings boards are directed to adopt procedures and criteria for retaining scientific or other experts;
2. Stipulates that in the development of critical areas policies and development regulations, counties and cities must address each of the

following on the record:

(a) To demonstrate that the best available science was included:

- (i) The specific policies and development regulations adopted to protect the functions and values of critical areas; and
- (ii) The sources of best available scientific information included in the decision making; and

(b) Any other information, including legal, social, cultural, economic, and political information, and other programs that may have been included in developing critical areas policies and regulations.

3. CTED is allowed in collaboration with other state agencies, with jurisdiction and expertise, written management recommendations.

**HB 2626/SB6345** re-affirms existing Washington state law in the state Constitution, state supreme court decisions, and statutes relating to the use of eminent domain by state and local governments. **HB 2626/SB6345** is at the request of Governor Gregoire and Commissioner of Public Lands Sutherland. It simply intends to have the legislature reaffirm existing Washington state law relating to the use of eminent domain by state and local governments. The intent of this act is to make clear that Article I, section 16 of the Washington State Constitution prohibits the use of eminent domain to take private property for private use, except under narrow exceptions. A substitute is expected to include first right of refusal to the land owner at the time of the condemnation action.

Discussion on first right of refusal, right to re-purchase, establishing re-acquisition purchase price, additional definitions of public use, acquisition of property under the "threat" of eminent domain, and other issues are swirling around this bill.

**SHB 2217** - A hotly contested GMA/Land Use bill passed out of House Local Government, 5-2. Despite strong arguments by both city and county government officials, against this bill, it will now go on to House Rules where we will work to keep it there. Pacific County Administrator Bryan Harrison did an outstanding job speaking against **SHB 2217**, noting the additional cost to local government, the fact that it is not needed in slow growing small counties, and it will just expose jurisdictions to more appeals. In general, here is what **SHB 2217** does:

- **Directs the county** to adopt county-wide planning policies dictating densities and zoning patterns for each jurisdiction.
- **Extends a complicated and UNFUNDED** data collection/analysis program called "Buildable Lands" to all jurisdictions in ALL GMA-planning counties, not just those now required to do so in King, Pierce, Snohomish, Kitsap, Thurston and Clark counties. This is an expensive mandate, estimated to cost \$1.6 - \$3.3 million per year!
- **Adds a series of new definitions** in the Growth Management Act designed to force cities in particular, but also the unincorporated portions of UGA's, to increase residential

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

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densities or face new appeals before the Growth Management Hearings Boards and the Courts.

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## ***General Government Issues***

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### **Charter County Financial Officers**

The House Local Government Committee will hear **HB 3019**, an act relating to the duties of a financial officer in a charter county, on Monday, January 30 at 1:30 p.m. **HB**

**3019** was first introduced in the 2003/04 session. The current language was agreed upon by members of WSAC, WACO and the Washington State Association of County Auditors in October of 2003 and is intended to clarify that it is the county auditor in a non-charter

county or the financial officer who is designated in a charter county is the ex-officio deputy state auditor for purposes of accounting and reporting.

# Public Health and Human Services

## Air Ambulance Bills Moving

**HB 2615** and **SB 6231** – Exempting certain private air ambulance services from licensing under the insurance code – are both moving through their respective chambers. Both bills have passed out of their policy committees on to Rules. The Senate bill is on the Senate 2<sup>nd</sup> reading calendar. Both bills received testimony of support in both hearings and no one opposed the bills. It would appear that the efforts of San Juan County Commissioners, former commissioner, emergency personnel, and citizens will finally come to fruition. Both Senator Spanel and Representative Quall deserve our thanks in sponsoring and moving these bills. The bills restore the ability of the citizens of San Juan County (and citizens of other rural areas who might also be helped by these bills) to restore the subscription air ambulance service that was so successful in earlier years until it was determined by the Office of the Insurance Commissioner that the program was an insurance program and required to meet the requirements of insurance providers – a hurdle too high to allow the service to continue. These bills exempt air ambulance services from the stringent requirements of the Insurance laws, while still allowing the Office of Insurance Commissioner to maintain some oversight and consumer protection.

## Pandemic Flu/Emergency Preparedness Bills Heard

**SB 6366** was heard by the Senate Health and Long Term Care Committee and was passed out of Committee with a do pass recommendation. It is scheduled

next week for a hearing in Senate Ways and Means. **HB 2542** will be heard Friday (January 27<sup>th</sup>) afternoon in House Health Care. **HB 2542** includes language that is broader than just pandemic flu. It applies to communicable disease response and preparedness and fits with the public health all hazards response approach. **HB 2542** needs some amendments to be acceptable to counties and staff will be meeting with legislative staff after Friday's hearing to craft the amendments. The prime sponsor is willing to come to agreement. It is anticipated that both bills will be amended during the process. The bills request \$20 million for preparedness planning and response.

## Executive Request Legislation on Responsibilities at the State Hospitals Heard January 26

Thursday, January 26, was mental health day in the House Health Care Committee. First up was a package of bills from SEIU and sponsored by Rep. Tami Green, **HB 2911**, **2912**, and **2913**. These included: 1) a bill to pilot additional PACT teams in different RSNs; 2) require the Mental Health Task Force to examine the mental health worker shortage and caseloads; and 3) require Designated Mental Health Professionals to only make in-home visits in pairs along with having the most up-to-date information on the client. All three bills received positive hearings with only some suggested tweakings and concern about funding. One or more could end up as budget provisos.

Next up was **HB 2803** which would allow additional providers to receive Medicaid payment for

providing mental health services outside of the RSNs and community mental health agencies. WSAC staff indicated our concern about returning to pre-waiver days when the proliferation of providers was one of the causes for turning to a federal Medicaid waiver. But she also indicated that perhaps there was a significant group of unserved and underserved persons on the nonmedicaid side of the equation especially the GA-U population.

And finally, **HB 3081** was heard which would change the existing responsibilities of the Regional Support Networks and their member counties in regard to short-term commitments. Currently, RSNs are responsible for 85% of the short-term commitments which is up to 17 days. This bill would require them to take 100%. The estimated financial impact of this would be approximately \$22 million. In return the state hospitals would actually take all the long-term 90 and 180 day commitments they are currently required to accept. However the language in the bill does not guarantee this would occur. So the drafters of the legislation anticipate some sort of trade-off in cost. Unfortunately the long-term commitments are not a part of the existing Medicaid rate. The RSNs would have to pay for the beds in the PALS unit, some 125 beds at a cost of \$11 million per year since they would no longer be classified long-term "inpatient" clients the hospital is responsible for. The RSNs would also have to pay for all voluntarily committed patients at the hospital. The hospital doesn't accept voluntary patients; however they do flip involuntary commitments to

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## **Public Health and Human Services (continued)**

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voluntarily internally. We have no control over these internal processes just as we have no control over the changes from forensic status to civilly committed status which also occur internally at the hospital. One particularly egregious change would eliminate our being allowed a corrective action period and appeal rights under the state's Administrative Procedures Act when found in noncompliance with the state contract which includes census caps. Another amendment of concern would require an additional evaluation of the community inpatient facility's petition for a 90 or 180 day commitment. The RSNs currently have no structure for accomplishing this new task.

WSAC staff testified as to local government concerns with the bill and focused on the seemingly never answered questions of how big the hospital should be, how much money does the state want to put in the community and for what and overall what kind of system are they willing to pay for? The proposed changes would have a significant fiscal impact, but there would also be a significant impact if all the RSNs went the Pierce County route and sued the state for failure to accept long-term patients. This would require an unknown but substantial investment in additional hospital wards. Certainly the RSNs have

good cause to file as they are all exactly the same as Pierce County in regard to either payment or risk of liquidated damages and an inability to get long-term patients in the state hospitals. Ironically the victory in the Pierce County lawsuit and the closure of Puget Sound Hospital is driving some other RSNs over their own census at the state hospital as the hospital temporarily takes patients from Puget Sound Behavioral Health Hospital and the backlog of long-term commitments. It just demonstrates the general underfunding of the entire system.

It was a very interesting hearing with lots of good questions from the Committee and especially a heightened level of concern from the two representatives from Peninsula RSN, Rep. Pat Lantz and Rep. Sherry Appleton. Good work, Larry Keller of Kitsap Mental Health! The Community Mental Health Council, Washington Protection and Advocacy, Fairfax Hospital, NAMI and others testified with concerns. The only testimony in favor of the bill was the obligatory testimony from Richard Kellogg, the brand new Mental Health Division Director who has all of 9 days here in Olympia and was essentially handed this bill cold as he walked in the door. Not exactly a welcoming bouquet of flowers.

The Senate companion is now **SB**

**6793** and it will be heard in Sen. Hargrove's Senate Human Services and Corrections Committee on Monday, January 30 at 10:00. Senator Hargrove has added his amendments to last year's Request for Qualifications (RFQ) process to this bill. His amendment would allow a six-month corrective action period to take place for those RSNs who were unsuccessful in passing the RFQ which would start immediately and require implementation of their plan July 1, 2006. Also on his agenda are the perennial return of the Mental Health Ombuds bill and a bill establishing a council on mentally ill offenders offered by the Partners in Crisis organization, the partnership between law enforcement and mental health.

The Governor's Office is heavily involved in **HB 3081/SB 6793**. We anticipate ongoing discussions among the various parties which will probably eventually involve the counties' request for the additional \$22 million for Medicaid rates and any changes to the RFQ. Stay tuned.

## Public Health and Human Services (continued)

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	Bldg/Room	Date
<a href="#"><u>HB 2970</u></a>	House Children & Family Services	Preserving the WorkFirst child safety net program	1:30	JLOB/HHR D	1/30/06
<a href="#"><u>HB 3064</u></a>	House Children & Family Services	Concerning eligibility for services to children and pregnant women.	1:30	JLOB/HHR D	1/30/06
<a href="#"><u>HB 2558</u></a>	House Economic Development, Agriculture & Trade	Regulating the disposal of dead animals	6:00	JLOB/HHR A	1/30/2006
<a href="#"><u>SB 6793</u></a>	Sen Hum Svcs & Corr	Changes in state hospital responsibilities and to the RFQ process for RSNs	10:00	SHR 1	1/30/06
<a href="#"><u>SB 6587</u></a>	Sen Hum Svcs & Corr	Creating an office of mental health ombuds	10:00	SHR 1	1/30/06
<a href="#"><u>SB 6685</u></a>	Sen Hum Svcs & Corr	Establishing a council on mentally ill offenders	10:00	SHR 1	1/30/06
	Hse Ch & Fam Svcs	TANF bills	1:30	HHR D	1/30/06
<a href="#"><u>SB 6810</u></a>	Sen Hlth & LTC	Concerning temporary management in boarding homes	3:30	SHR 4	1/30/06
<a href="#"><u>2SHB 1483</u></a>	Hse Appropriations	Establishing a reinvesting in youth program, community programs for juvenile justice involved youth	3:30	HHR A	1/30/06
<a href="#"><u>HB 3010</u></a>	House Economic Development, Agriculture & Trade	Relating to ensuring the safety of milk and dairy products	10:00	JLOB/HHR A	1/31/06
<a href="#"><u>SB 6741</u></a>	Senate Human Services & Corrections	Regarding the joint task force on the administration and delivery of services to children	10:00	JAC/SHR 1	1/31/06
<a href="#"><u>SB 6183</u></a>	Senate Ways & Means	Creating provisions relating to the hepatitis C virus	1:30	JAC/SHR 4	1/31/2006
<a href="#"><u>SB 6194</u></a>	Senate Ways & Means	Requiring multicultural education for health professionals	1:30	JAC/SHR 4	1/31/06
<a href="#"><u>SB 6366</u></a>	Senate Ways & Means	Concerning preparation and response to pandemic influenza	1:30	JAC/SHR 4	1/31/06
<a href="#"><u>HB 3165</u></a>	Hse Housing	Using surplus property to develop affordable housing	8:00	HHR D	1/31/06
<a href="#"><u>HB 3210</u></a>	Hse Housing	Eliminating the state sales tax on construction labor and services in counties where housing is not affordable for first-time buyers	8:00	HHR D	1/31/06
<a href="#"><u>HB 3171</u></a>	House Health Care	Creating a council on psychoactive substance control	1:30	HHR A	1/31/06
<a href="#"><u>SHB 2342</u></a>	Hse Appropriations	Establishing a health care declarations registry including advance directives for mental health	3:30	HHR A	1/31/06
<a href="#"><u>SHB 2967</u></a>	Hse Appropriations	Responding to drug crimes (AG's meth bill)	3:30	HHRA	1/31/06
<a href="#"><u>HB 3171</u></a>	House Health Care	Hearing cont from above.	8:00	HHR A	1/31/06
<a href="#"><u>HB 2614</u></a>	House Commerce & Labor	Regulating employment decisions based on consumption of lawful products.	8:00	JLOB/HHR C	2/1/06

## ***Public Health and Human Services (continued)***

<b><u>HB 3152</u></b>	House Children & Family Services	Establishing the family assessment response demonstration program	8:00	JLOB/HHRD	2/1/06
<b><u>HB 3155</u></b>	Hse Ch & Fam Svcs	Creating an office of the ombudsman for persons with developmental disabilities	8:00	HHR D	2/1/06
<b><u>HB 3139</u></b>	Hse Ch & Fam Svcs	Clarifying kinship caregivers' consent for mental health care for minors.	8:00	HHR D	2/1/06
<b><u>HB 2556</u></b>	House Health Care	Directing DSHS to request a waiver to create a consumer-directed medicaid coverage plan	8:00	HHR A	2/2/06
<b><u>HB 3234</u></b>	Hse Housing	Authorizing faith communities to host temporary homeless encampments subject to restrictions	10:00	HHR D	2/2/06

# Transportation and Public Works

## Senate Transportation Work Session a Success

On January 23, the Senate Transportation committee conducted a work session on city, county, and transit issues. With several initiatives to the people filed to repeal transportation funding, the committee was primed to listen to ideas that were not related to revenue. Eric Johnson, WSAC Assistant Executive Director, provided the committee with a list of ten pieces of introduced legislation that would assist counties if enacted. The Chair of the committee, Mary Margaret Haugen (D-Island County) praised WSAC for providing such concrete information to the committee. The list included:

1. Support the RTID technical changes contained in **SB 6599**.
2. Support **Section 228 of the Governor's Supplemental Transportation Budget**, which appropriates \$300,000 to fund a project between the Association of Washington cities and the WSAC for improving transportation permitting and mitigation processes.
3. Support of **SB 6785** to clarify the incidence of tax for motor vehicle and special fuel taxes.
4. Support **SB 6247** to provide a uniform local MVET.
5. Support **SB 6770** to change the population threshold from 450,000 to 200,000 for counties eligible to use the design-build procedure.
6. Support **SB 6762** to limit the posting of motorcycle hazard signs to paved roadways.
7. Support **SB 6649** to exclude counties of 13,000 or less from both budget limitations for day

- labor construction programs and publication requirements.
8. Support **SB 6215**, Attorney General requests legislation to define the liability of public entities for tortious conduct.
  9. Consider the consequences of Section **601 of the Governor's Supplemental Transportation Budget** to require agencies such as CRAB and TIB to comply with the requirements in the Governor's Executive Order number 05-05 on archaeological and cultural resources.
  10. Support **SSB 6594** to adopt the Streamlines Sales Tax Agreement.

## County Engineers Testify in Support Bills

Ross Dunfee, Benton County Engineer; Paul Bennett, Lincoln County Engineer, and Dale Rancour, Thurston County Engineer, testified in support of **HB 2765**, legislation to limit motorcycle warning signs to paved roadways. The Washington Road Riders Association, the original proponents of the signs, also testified in support of the legislation, stating that their original intent was not to require such signs for gravel road work. The Senate companion, **SB 6762**, will be heard on February 2 in the Senate Transportation Committee.

Dale Rancour also spoke on behalf of WSAC against **SB 6339**, legislation that would require the state Transportation Enhancement Committee and RTPOs to ensure, to the greatest extent practicable, that funding for each transportation enhancement activity is allocated such that the allocation meets or exceeds the national average of

allocations made for each of the twelve respective activities. WSAC main concern was that the state should defer to local decision making in funding transportation projects.

## House to Hear Several Local Funding Bills

On January 30 the House Transportation Committee will hear **HB 1898** and **HB 3138**.

**HB 1898** authorizes 1) a county, city or town to impose up to a twenty dollar annual vehicle fee; 2) authorizes a county, city or town to impose a scale weight fee; 3) authorizes counties to levy twenty percent of the state's fuel tax rate with voter approval, and 4) authorizes a city or town to create a street utility service area.

**HB 3138** makes changes to 2005 legislation (**SB 5177**) that allowed local jurisdictions to create transportation benefit districts to fund transportation projects (also known as the mini-RTID legislation). The 2005 legislation included two provisions that are removed in **HB 3138** – a prohibition that King, Pierce, and Snohomish could not participate in a transportation benefit district and the requirement that 60% of the funding be spent on highways of statewide significance. Enacting these changes is a 2006 WSAC priority.

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## **Boards and Commissions**

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### **Governor Makes Appointments**

#### **Municipal Research Council**

Cathy Wolfe of Olympia (WSAC member) have been appointed to terms effective January 9, 2005, ending July 31, 2007. Wolfe is a former State Representative and is in her second term as a Thurston County Commissioner. She serves on several committees including the EMS council, justice project oversight committee and is a board member on the Community Youth Services Board.

Mike Doherty of Port Angeles (WSAC member) has been reappointed to a term effective January 9, 2006 ending July 31, 2007. Doherty is a Clallam County commissioner and serves on several other local boards including chairing the Olympic Resource Advisory Committee and volunteering as a youth sports coach, volunteer firefighter and with the Medic One board.

The Council assures that Washington cities and towns have a comprehensive research and service program.

#### **Public Works Board**

Merrill Ott of Addy (WSAC member) has been appointed to a term effective January 9, 2006, ending June 30, 2008. Ott serves as the Stevens County Commissioner. He is a retired United States Air Force Officer. He is the Eastern District President of the WSAC Board of Directors, and also serves as a volunteer firefighter for the Addy Fire District # 5 and an EMT with the Chewelah Rural Ambulance and

Stevens County Sheriff's Ambulance.

The board administers public-works assistance funds; makes loans to various forms of local government for public-works projects.

#### **Salmon Recovery Funding Board**

Stephen Tharinger of Port Angeles (WSAC member) has been reappointed to a term effective January 9, 2006, ending July 15, 2009. Tharinger serves as a Clallam County Commissioner and is a member of the Washington Biodiversity Council. He volunteers as a member of the United Way of Clallam County and serves as Vice-Chair for the Council of Governments of the Olympic Area Agency on Aging.

The Board is responsible for making grants and loans for salmon habitat projects and salmon recovery activities from the amounts appropriated to the board.

#### **Forensic Investigations Council**

Lauren Erickson of Port Angeles (WACO member), David McEachran of Bellingham (WACO Affiliate member), and Dennis Wickham of Vancouver (WACO member) have been reappointed to terms effective January 9, 2006, ending August 10, 2010.

Erickson is a Clallam County Deputy Prosecuting Attorney and a Clallam County Coroner, as well as serving as a member of the Port Angeles City Council.

McEachran currently holds the position of Whatcom County Prosecuting Attorney. He is a member of the Washington State Bar Association and serves on the Board

of Trustees for the Washington State Association of Prosecuting Attorneys. McEachran is also the Chairman of the Board of Directors for the Boys and Girls Club of Whatcom County.

Wickham serves as the Clark County Medical Examiner, and is a member of the Washington Forensic Investigations Council. He is also an active member of the Rotary Club of Clark County, serving as Assistant District Governor and participating in the Elementary School Mentoring Program.

The Council is charged with monitoring the death investigations system in the state; overseeing the budgets of the state toxicology laboratory and the crime laboratories which reside in the Bureau of Forensic Services in the Washington State Patrol; monitoring the death investigations account and the programs funded through it; recommending improvements to the death investigation system; and reporting to the Legislature.

In addition to county positions, Burlington Police Chief Gerald Bowers, Port Angeles City Council member Lauren Erickson and Dr. Emmanuel Lacsina, a private pathologist, were reappointed to four year terms. Ms. Erickson is also a Clallam County Deputy Prosecutor/Coroner.

### **WSAC President Burton Seeks Nominees for Agriculture Study Committee**

In August of 2005 an ad hoc group of commissioners and staff met in Spokane to discuss establishing a strong agricultural policy for WSAC.

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## **Boards and Commissions (continued)**

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One result was the adoption by the members at their Annual Conference of a legislative priority that will “protect and enhance the agricultural economy.” However, the committee did not identify the full role for the association and how to coordinate that with other major stakeholders and has not been active since then.

President Burton proposed to the

WSAC Board of Directors that a small committee begin to explore the role for counties in developing this new policy. The Board approved his recommendation that a small group of members, two from the Western District and two from the Eastern District plus the co-chairs of the Rural Issues Subcommittee meet with a group of WSU Extension

chairs to begin the process.

Anyone interested in being a member of this committee should contact President Burton no later than February 10. Two members from each side of the state along with the Rural Issues Co-chairs and WSU Extension will develop a proposal that will come back to the Board to consider.

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## **Training and Upcoming Events**

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### **WSAC Offers Scholarship to County Leadership Institute**

The WSAC Board of Directors has offered a full scholarship to the County Leadership Institute (CLI) at New York University’s Robert Wagner Graduate School of Public Service. This is a joint effort the National Association of Counties (NACo) and the university. CLI is a rigorous program that helps elected officials of county legislative authorities exercise leadership to address the complex challenges facing counties. This will be the third class offered and up to 30 officials

from across the country will attend. The program takes four days and will be offered May 31-June 3, 2006.

WSAC will nominate interested members to NACo, which will make the final decision. The tuition of \$995, which will be paid by WSAC, includes four nights lodging at a hotel in New York City, breakfast and lunch for four days (Wednesday-Saturday); one dinner, and access to the various social events. Fellows are responsible for their own air travel, taxi/subway fares and incidental expenses during the 4 days.

Last year three WSAC members were nominated and NACo selected Kitsap County Commissioner Jan Angel. Commissioner Angel has reported on her experience at the last Annual Conference and to the Board of Directors. She would be pleased to answer any questions from interested members.

Any interested WSAC member may submit their name for consideration to the WSAC office no later than February 24, 2006.

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## **Courthouse Ramblings**

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The Benton County Commissioners appointed Josie Delvin (R) as the new county clerk, filling the unexpired term of Kay Bacca Staples, who retired last month. Delvin, the wife of Senator Jerome Delvin, has

been the District Court Administrator since 2003.

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DeDe Pafford has been named as acting county auditor in Klickitat County, after the retirement of Diana

Housden, December 31. Commissioners will make an appointment the end of February.

# Calendar of Events

<i><b>Meeting</b></i>	<i><b>Location</b></i>	<i><b>Date</b></i>	<i><b>Information</b></i>
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**For your convenience training and workshops are bolded.**

## **JANUARY 2006**

WA State Assn of County Auditors' Licensing Conference	Comfort Inn, Tumwater	January 23-24	(360) 753-7319
WA State Assn of County Auditors' Legislative Conference	Comfort Inn, Tumwater	January 25-26	(360) 753-7319
WSAC/WACO/AWC Tri Assn <b>CANCELLED</b>	Red Lion, Olympia	January 26	
WA State Assn of County Assessors' Legislative Conference	WA Counties Bldg, Olympia	January 31 - February 2	(360) 753-7319

## **FEBRUARY 2006**

WSAC Urban County Caucus	Mercato's Ristorante, Olympia	February 1/6:30-9	(360) 753-1886
WSAC Rural Issues Sub-committee	Ramblin' Jack's Restaurant, Olympia	February 1/6:30-9	(360) 753-1886
WSAC Legislative Steering Committee	Red Lion Hotel, Olympia	February 2/9:30-1	(360) 753-1886
WSAC Urban County Caucus	Mercato's Ristorante, Olympia	February 15/6:30-9	(360) 753-1886
WSAC Rural Issues Sub-committee	Ramblin' Jack's Restaurant, Olympia	February 15/6:30-9	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	February 16/9:30-1	(360) 753-1886
WA Assn of County Auditors' Finance Conference	North Bonneville Hot Springs Resort, North Bonneville	February 28 - Mar.2	(360) 753-7319

## **MARCH 2006**

WSAC Urban County Caucus	Mercato's Ristorante, Olympia	March 1/6:30-9	(360) 753-1886
WSAC Rural Issues Sub-committee	Ramblin' Jack's Restaurant, Olympia	March 1/6:30-9	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	March 2/9:30-1	(360) 753-1886
NACo Legislative Conference	Washington, D.C.	March 4 - 8	<a href="http://www.naco.org">http://www.naco.org</a>
<b>Legislative Session Ends – Sine Die</b>	<b>Olympia</b>	<b>March 9</b>	<a href="http://www.leg.wa.gov/wsladm/calendar.cfm">http://www.leg.wa.gov/wsladm/calendar.cfm</a>
WCIF/WCIP Board and Insurance Advisory Committee (IAC)	Spokane	March 16	(360) 586-0466
Washington County Administrative Assn - Annual Business	Enzian Inn, Leavenworth	March 22 - 24	(360) 577-3065 Claire Hauge, <a href="mailto:haugec@co.cowlitz.wa.us">haugec@co.cowlitz.wa.us</a>
WA Assn of County Auditors' Recording Conference	Leavenworth	March 27 - 28	(360) 753-7319

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## Good Things

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### Successful WCIF 2006 Open Enrollment

The Washington Counties Insurance Fund (WCIF) recently completed its open enrollment for changes effective January 1, 2006. This included enrolling not only the employees and retirees of six new participating employers but the enrollment resulting from numerous current employers making changes in their plan offerings as well. The large increase in enrollment can be attributed to favorable renewal rates, benefit enhancements, governance changes and improved services.

The premiums for vision and life insurance plans remained unchanged. The WDS and Willamette dental plans had premium increases of 10.1% and 3% respectively. The three Employee Assistance Program (EAP) plans were consolidated into a single six visit plan with a monthly premium of \$1.88 per employee. Overall, the Group Health medical plans had an increase of 17.9% which included the impact of reduced rates for dependent children. The Washington Counties Insurance Pool (WCIP) had an overall 8.7% increase in rates which included the cost of many benefit enhancements.

Coverage for dependent children was extended to age 25 for all plans and the student certification

requirement was eliminated. We offered a new managed care dental plan, DeltaCare, from WDS and also allowed employers to offer high and low WDS dental plans to their employees. Numerous improvements were made to the WCIP medical plans such as raising the physical exam and preventive benefits coverage from \$300 to \$500, issuance of \$50 incentive/reward checks for adult physical exams, reducing the generic prescription drug copay from \$10 to \$5 for the majority of subscribers, adding coverage for routine colonoscopies for members that are at least 50 years old, reducing the waiting period for transplants from 12 months to 6 months and increasing the lifetime maximum from \$1 million to \$2 million per person.

Recent governance changes include allowing employers to decide whether to offer eligibility to domestic partners (same or opposite sex), ability to work with and compensate brokers, expansion of eligibility to all "local government entities" (e.g., school districts), and reduction in the minimum size of an employer to 2 employees. For the Washington County Insurance Pool (WCIP) which provides the self insured medical plans, governance changes included the ability to establish rates for new employers based on their claims experience,

provision of medical claims experience for employers with more than 100 employees enrolled in WCIP plans and elimination of the possibility of an assessment if an employer leaves the self insured pool after 3 continuous years.

Open enrollment was conducted for the first time via the internet as an alternative to submitting changes via forms. Eligibility processing was moved to Zenith Administrators resulting in single combined billing statements and submission of eligibility information electronically to all of the insurance carriers. In general, changes were made to reduce paperwork and other administrative burdens on human resource and accounting/payroll staff while improving the timeliness and accuracy of the information provided to the insurance carriers. For more information about Washington Counties Insurance Fund, please call (800) 344-8570.