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## 2007 LEGISLATIVE PACKAGE

### Washington Association of County Officials

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*The following recommendations were adopted by the WACO membership on October 4, 2006 at the 48<sup>th</sup> WACO Annual Conference in Wenatchee.*

**It is the intent of the Washington Association of County Officials to support legislation that implements measures that are beneficial to counties and oppose proposals that are detrimental to county government's ability to provide services to the public.**

The WACO Legislative Committee is responsible for monitoring measures; actively supporting measures with a positive impact such as sales tax streamlining; and, protecting the interest of the counties and their residents as legislation is developed

#### >> ASSOCIATION BUSINESS <<

**1. RECOMMENDATION: Secure legislation to allow local government association staff to participate in the Public Employees Retirement System (PERS).**

**Explanation:** The legislature included specific language to allow local government association employees to participate in PERS Plan 1 but did not do the same when Plans 2 and 3 were created. When PERS 1 staff retire in the next few years, it will be almost impossible to recruit new employees from counties where the expertise in county issues and processes resides due to a reluctance to trade a state retirement system and the security it offers for a 401 (K). PERS is also less costly to the employer because the contribution is less.

The WACO Board of Trustees approved this proposal on July 19, 2006. There is interest in forming an alliance to pass this legislation with other local government associations including the Washington State Association of County (WSAC) and the Washington Public Ports Association (WPPA).

#### >> TAXATION <<

**1. RECOMMENDATION: Merge Open Space Timber statutes into the Designated Forest Land statutes, eliminating the Open Space Timber Classification.**

**Explanation:** Currently timber owners of 20 acres or less are administered under the Open Space Timber statutes. Timber owners of 20+ acres are administered under the Designated Forest Land statutes. This would combine Washington's timber acres into one program making administration easier and less confusing to the public.

**2. RECOMMENDATION: Amend RCW 84.40.038 regarding the remedy to challenge a property tax assessment when the sole basis for the challenge is the claim that the county assessor's determination of true and fair value under RCW 84.40.030 is excessive.**

**Explanation:** Under current law, a taxpayer challenging a county assessor's determination of true and fair value under RCW 84.40.030 may either appeal that determination to the county Board of Equalization without first paying the tax or may pay the tax under written protest and sue for a refund in superior court, or both. It is common for private tax practitioners to commence and maintain both administrative and judicial actions at the same time. This latter practice strains the resources of the counties and unnecessarily clogs our judicial system. Limiting challenges of excessive valuation to the administrative arena provides taxpayers with an excellent means of seeking a reduction in their assessed valuations without exposing counties to litigation in multiple forums and challenges.

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**3. RECOMMENDATION: Clarify current practices and streamlining processes in the office of the county treasurer.**

**Explanation:** This clean-up bill has four parts:

1. Eliminates warrants being the only method used to distribute park district funds. In this electronic age of banking and distribution, current practice is ACH or funds transfer.
2. Clarifies that properties foreclosed upon are held in trust for all taxing districts and are not owned by the county. When a county becomes the default bidder if no one buys a foreclosure property, the county is not responsible for homeowners' association dues.
3. Gives counties flexibility in collecting storm water control fees by using the collection procedures used in county treasurers' collection statutes. Allows for consistent and more efficient collection of storm water fees by counties rather than using city sewerage lien statutes, which are more costly to administer.
4. Adds language to statute to make clear that mobile homes on leased land or in parks, which are being moved from a county, are subject to jeopardy distraint.

### >> ELECTIONS <<

**1. RECOMMENDATION: Move forward the date for final ballot reconciliation to coincide with the final certification date for each election, and require that all absentee and vote-by-mail ballots, with the exception of military/overseas ballots, be received by the Auditor five days prior to the final election certification date.**

**Explanation:** Election officials will be able to provide a reconciliation of ballots at the same time the final results of an election are made official, when that information would be most important and meaningful to the public and to candidates. (Reconciliation reports are currently due 30 days after an election is certified.) Allowing the 5 day window prior to the final certification and reconciliation of ballots when no additional ballots (except military/overseas) can be received will allow election officials the time necessary to compile and report accurate and timely information. This change will afford the same window for voters to return ballots that existed for many years.

**2. RECOMMENDATION Change the timing and frequency by which absentee ballots must be tabulated to provide for a more efficient and cost-effective process.**

**Explanation:**

- In counties with a population of 100,000 or more, the requirement to tabulate absentee ballots on a daily basis would be triggered when the county is in receipt of 10,000 or more ballots yet to be canvassed. The requirement to count on Saturdays would be eliminated.
- In counties with a population of less than 100,000, the requirement to tabulate absentee ballots every third day would be triggered when the county is in receipt of 100 or more ballots yet to be canvassed. (Up from 25 ballots.)

In vote-by-mail counties, alternate language is proposed to provide for a random audit process of the ballot counting equipment on Election Day by mutual agreement of the political party observers, or at the discretion of the county auditor, under rules adopted by the county canvassing board.

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This would provide a more orderly, logical and cost effective method for counting absentee ballots. Determining the timing for tabulating ballots must be considered as part of the overall process for authenticating election results. Tabulating ballots at arbitrary time periods outside of the regular process, as required by current law, causes counties to interrupt other steps in the process, requires more frequent reconciliations, and actually delays getting the votes counted.

Eliminating the requirement to count ballots on Saturdays will help counties by removing unnecessary overtime which is both costly and stressful on election employees who are already required to work extended hours.

#### >> GENERAL GOVERNMENT <<

**1. RECOMMENDATION:** Continue to promote legislation to locate and safely return missing persons; to improve the identification of human remains; and improve timely information and notification to family members of missing persons by building upon 2006 legislation; seeking funding to enhance the dental identification system and provide forensic anthropology to small jurisdictions; and to amend current statutes to reflect current processes and available technology.

**Explanation:** Significant improvements were made to Washington State Law in the 2006 Legislature including establishment of a missing persons website by the Washington Association of Sheriffs and Police Chiefs (WASPC) and implementation of interfaces in Washington State Patrol (WSP) computer systems that will transport information from local jurisdictions to WSP and the website, an essential component of the reporting and investigation of missing persons and unidentified human remains. Chapter 102, laws of 2003, did not address other funding issues. The WSP Dental ID section still depends on the services of volunteer forensic dentists who receive no expenses or compensation. Many small jurisdictions need assistance in securing the services of a forensic anthropologist. In addition, amendments are needed to the legislation to remove unnecessary reporting requirements; clarify the processes and resources available for DNA testing; and deal with other unresolved issues.

#### >> LAW & JUSTICE <<

**1. RECOMMENDATION:** Enhance the penalty for attempting to elude a police vehicle to include a mandatory sentence of twelve months in addition to the standard sentencing range if the defendant is convicted and the court finds that another person was threatened with physical injury or harm by the fleeing defendant.

**Explanation:** The current penalties provide little or no deterrent to escaping the police when being apprehended on another charge and the punishment is disproportionately light when others can be put in harm's way. Language identical to HB 2222, which failed in the 2005/06 session, establishes a procedure for entering the endangerment finding. The state must prove endangerment beyond a reasonable doubt and the jury (or judge in a bench trial) must reach a special verdict on endangerment.

**2. RECOMMENDATION:** Amend state statute to provide that dismissal or reduction of criminal charges or infractions, in a pre-trial setting, in exchange for fines or payments is limited to funds or purposes approved by the Legislature and not selected by the city or county or local official.

**Explanation:** Over the summer, several articles appeared in newspapers that detailed "deals" for dismissal of criminal charges and infractions (primarily DUIs) by the cities of Pasco and Kennewick. This proposal will not

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prevent diversion or drug courts, but will require that the monies collected go to state-approved purposes and provide a better accounting. Costs for treatment, supervision or monitoring are exempted from this restriction.

**3. RECOMMENDATION:** Add a number of misdemeanors and gross misdemeanors to the list of convictions (not arrests) that require a DNA sample of the offender to be taken and entered into the databank.

**Explanation:** The state has a DNA databank for all persons convicted of felonies and four gross misdemeanors. The databank is not searchable or public as to who is within the database - it is only accessed to run investigative samples against, and if the investigative sample matches one included in the databank, the identity of the person is revealed.

The misdemeanors and gross misdemeanors in the proposal were selected by the WSP Crime Laboratory as being ones that have been predicates for later committed violent felonies, such as Assault 4, Malicious Mischief, Violation of NCOs, etc. This list can be negotiated during the legislative session to make sure each crime is acceptable for inclusion within the databank. A bill would also include language to clarify that if an offender already has a sample in the database, another will not need to be taken; that unknown/investigative samples can be retained and run against the databank at a later date; and, that the \$100 fee (which currently goes to the crime lab to support the program), be split 80%/20%, with 20% of collections going to the agency that collected the sample (usually the jail).

#### >> COURTS <<

**1. RECOMMENDATION:** Modify statutes related to the collection of court-ordered legal financial obligations of offenders by county clerks to obligate offenders incarcerated for a life term to the same withholding as other incarcerated individuals; and, secondly, to add county clerks to the fee exemption in RCW 70.58.107 in order to verify death of offenders and extinguish the legal financial obligation.

**Explanation:** This proposal will allow for improvements to the LFO collection systems used by clerks by equalizing the responsibility for payment among inmates and the second will eliminate collection efforts if the offender has died.

**2. RECOMMENDATION:** Limit the responsibility of the county clerk in certain actions and appropriately place it with the parties to the action by amending RCW 26.21 and RCW 26.27 to place the responsibility for notice and registration on the parties in a child custody action; amend RCW 53.48.030 to direct the petitioner in an action to dissolve a public utility district to give notice of hearings; and, amend other statutes to limit the clerk's role in publication of dependency notices and give the duty to the state.

**Explanation:** Amending the listed statutes will give consistency with other court processes and place the responsibility with the parties to the action rather than the court. The parties share these duties in other civil and family law procedures.

Washington Association of County Officials 2006-07 Board of Trustees

Executive Officers

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President .....Rick Bart, Snohomish County Sheriff  
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**206 10<sup>th</sup> Avenue SE, Olympia, Washington 98501**  
**Tel: (360) 753-7319 Fax: (360) 664-2812**  
<http://wacounties.org/waco>