

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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Judge Won't Change Pace Of Election Challenge

*By David Postman, Seattle Times,
January 20, 2005*

Chelan County Superior Court Judge John Bridges said today that speeding up the collection of evidence in the governor's election lawsuit could lead to chaos and injustice as Republicans try to get Gov. Christine Gregoire tossed from office.

In the first major day of court action in the case, Bridges denied a Republican request to expedite the schedule for collecting evidence and taking depositions. Attorneys representing some of the 39 counties named in the suit told Bridges that the requests have been overwhelming, particularly in small counties. One even accused Republicans of attempted extortion, saying the party offered to cut back its information request in exchange for the county agreeing not to fight on some issues in court.

Bridges cited the old maxim that justice delayed is justice denied, but said there is a corollary, "And that is, justice hurried is also justice denied."

The speeded up schedule, he said, would have meant "expedited chaos."

Bridges also denied the Democratic Party's request that all discovery — the court-ordered process of compiling evidence — be suspended until major legal and jurisdictional questions could be answered, including whether the Legislature, and not the court, is the right place to decide the election dispute.

But the judge wants those questions

answered soon. He issued a tight deadline for filing briefs and said he will hear arguments that could lead to dismissal of the case at a hearing Feb. 4.

The case was filed Jan. 7 by Republican candidate Dino Rossi and Republicans who say errors and potential fraud mean the true outcome of the election is unknown. They want Gov. Christine Gregoire removed from office and a new election held.

The suit named all 39 counties, their election directors and Secretary of State Sam Reed. Democrats and Libertarians petitioned to join the suit, too, to protect their gubernatorial candidates.

About 16 attorneys arrived at an auditorium across the street from the Chelan County Courthouse today for the first major hearing in the case. Another 18, representing counties and county auditors, participated by telephone.

Republicans said they needed subpoena power and the expedited schedule to get all the information they need from the counties to show enough errors to warrant the election being nullified.

"We simply want to put the facts before the court; let the truth come out," said attorney Rob Maguire. "It's hard to dispute that there is a cloud over the legitimacy of these election results."

Democrats, though, opposed any court-sanctioned discovery, saying Republicans should have found their evidence before filing the lawsuit.

Democrats' Attorney Jenny Durkan said Republicans were asking court permission to "rummage through the cemeteries and retirement homes looking for

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

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deceased people and people vacationing in Phoenix half the year" who voted in the election.

"It is their burden to come forward with demonstrable proof that this election should be set aside." Attorneys for some counties and county auditors said yesterday they could not have complied with the speeded up discovery process.

Ferry County Prosecuting Attorney James von Sauer said county officials there don't even know why they are named in the suit.

"Even the Republican party doesn't know what we did wrong because they are asking all sorts of questions that have nothing to do with Ferry County," von Sauer told Bridges.

He said to comply with the Republican requests for information would have required the auditor to do nothing else.

"As a county are we obligated to quit serving the public in order to respond? ... This is really a serious matter for the small counties."

Republicans have already made deals with 10 counties that greatly reduce the amount of information they are required to turn over, said Harry Korrell, one of the attorneys representing Rossi and Republicans.

Republicans offered to narrow their subpoenas, not seek attorneys' fees and drop the counties as parties in the suit — but not the counties' auditors.

In exchange, the counties would have to quickly turn over the information and agree, if Bridges rules the election should be thrown out, not to oppose Rossi's call for a new election.

Republicans also would agree to

say the auditors "tried to do this in a fair and honest way and any mistakes were inadvertent," Korrell said. He said the deal was originally proposed by an attorney representing one of the small counties.

But attorney Greg Banks, representing Island County, said Republicans were "extorting stipulations out of the counties" and that it was unfair to ask for more evidence from "counties that didn't knuckle under to this."

Bridges ruled on the evidence issues immediately after the last lawyer spoke. That's what he's known for — a good-natured but orderly hearing with quick resolution. He joked a little and spent time explaining his ruling.

The schedule set yesterday will have the judge soon ruling on the last large hurdles to a full-scale trial of the 2004 governor's election.

Those issues, raised by Democrats, are:

- Should the Legislature, and not the courts, decide the case given that the state Constitution says contested elections for governor and other statewide offices "shall be decided by the legislature in such manner as shall be determined by law"?

Republicans say there is a specific contested-election law laying out a court proceeding, and that is the way "determined by law" to settle these disputes.

- If a court is the proper place, should the case have been filed first with the state Supreme Court? Jeff Even, the assistant attorney general representing the secretary of state, said it is the state's position that the superior court is the proper place.

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

- Would the allegations by Republicans be covered by the election contest law?

Bridges told the attorneys to pay special attention to what constitutes an "illegal vote," which the law says is one piece of evidence that could lead to an election being nullified. For example, Republicans and Democrats disagreed yesterday about the importance of felons who voted illegally. Republicans see that as a clear illegal vote, but Democrats say it's a voter-registration issue and would have had to be challenged prior to the election.

- If Bridges does nullify the election, does state law or the Constitution allow for a judge to call for a new election?

Washington State Association of County Auditors' Legislative Mini-Conference

The county auditors held their Annual Legislative Mini-Conference on January 19 and 20 in Olympia. The conference kicked off on Wednesday afternoon with introductions from WSACA President Corky Mattingly and a legislative overview and discussion period led by WSACA Legislative Chairs, Pat McCarthy and Kim Wyman.

The afternoon continued with guest speaker, Dr. Michael Shadow an internationally acknowledged trainer/coach in persuasive communication. The group sat riveted as Dr. Shadow explained the four components of persuasive speaking. He explained to the group that to sell an idea you have to be able to tell a story. And to tell a story you need content (facts), continuity (the facts need to be told in the correct order), pace (you have to build up the story) and finally tone of voice. The county auditors

continued with a working dinner where they continued to develop legislation for the session.

On Thursday morning the auditors hosted over 25 legislators at breakfast in Olympia. It was a great forum for auditors to discuss their priority bills with legislators and for the legislators to share their concerns in return.

After breakfast, the auditors headed to the hill to meet with legislators and attend hearings. They resumed their meeting back at the Washington Counties Building to hear reports about meetings with legislators and to have a roundtable discussion and lunch with Senator Kastama, Chair of Senate Government Operations & Elections and Representative Sam Hunt from Thurston County regarding election reform. The county auditors had a pleasant surprise after lunch with an unannounced visit from Governor Christine Gregoire. Governor Gregoire invited the county auditors to participate in a series of "Question and Answer" sessions with Secretary of State Sam Reed to be held in four locations around the state that will allow the citizens of Washington to ask questions of local election officials and give them the opportunity to voice their concerns. The proposed locations at this time are Spokane, Tri-Cities, Vancouver and Seattle and should occur sometime at the beginning of March.

The afternoon continued with a presentation from Nellie Bogue Hibbert from Union County, and Annette Newingham from Lane County, Oregon on all vote by mail elections.

Thanks to everyone who attended and all of those who worked so hard to make the conference a great success!

Former County Elected Officials Join Together in Effort to Help Train New County Officials

All eight legislative sponsors of **HB 1184** and **SB 5206** have an important and valued trait in common: they all are former county elected officials. Once active members of WSAC and WACO, Senator Mark Doumit (D-Wahkiakum County) and Representative Dennis Flannigan (D-Pierce County) happily agreed to sponsor legislation that allows a county to help pay the training costs incurred by a newly elected official after election day, but before taking office. WSAC and WACO typically provide several days of training in December for newly elected county officials at no charge, but travel and lodging costs usually are paid for by the incoming official. This legislation will allow for reimbursement of those costs from public funds.

Joining Senator Doumit as sponsors are Senator Karen Fraser (D-Thurston County), Senator Dale Brandland (R-Whatcom County) and Senator Craig Pridemore (D-Clark County). House co-sponsors are Representative Jan Shabro (R-Pierce County), Representative Bill Hinkle (R-Kittitas County) and Representative Dean Takko (R-Cowlitz County).

Assessor Bills Have Senate Bill Numbers

SB 5026 is the County Assessors' destroyed property bill. The title of the bill for tracking purposes is "Property tax abatement." The bill reinstates the destroyed property tax abatement that sunsetted in 2004. It also requires that a structure be involuntarily destroyed in order to receive tax relief in the current year.

SB 5032 covers the subject of property tax exemption review. It requires the Joint Legislative Audit and Review Committee (JLARC) to review property tax exemptions every six years. JLARC must review the exemption and submit a report to the Legislature by June 30 of the year of review. The review will not include any tax preferences in effect less than two years. The review must address factors such as the persons directly affected by the preference, the amount and distribution of taxes involved, and legislative objectives of the preference. The bill also repeals obsolete statutes related to the 1982 sunset review of tax preferences.

Please talk to your legislators about these bills and encourage them to pass them.

Assessor Interest Bills Heard This Week

The second week of the 59th Legislature held public hearings on bills of interest to the county assessors. They include:

HB 1048 had a public hearing in the House Local Government Committee on Monday, January 17. This bill extends the deadline to submit to the county legislative authority their estimated property tax revenues and/or budgets for the coming year from November 15 until November 30 of each year for all cities, public agencies, public

officials, and other local governmental entities within a county. As you will recall, WACO sent this bill language out over the interim, and didn't receive any negative feedback so they signed-in favoring the bill.

SB 5111 which was heard by the Senate Water, Energy & Environment Committee on Tuesday, January 18, mostly deals with exemptions from the State Business & Occupation and Sales Taxes. However, it has a caveat that includes a property tax exemption. An additional tax incentive is provided for solar module manufacturers that locate in counties with greater than 8.5 percent unemployment, and maintain at least 75 percent full employment at a new building for eight years. The property tax exemption would be on the machinery and equipment used in manufacturing solar modules located at a building exempt from sales and use tax under the bill. An application for any of the State Tax exemptions is necessary but the property tax exemption must be filed with the county assessor.

Also heard this week in the House Finance Committee on Wednesday, January 19, were a number of tax preferences bills which would require performance audits of tax exemptions (**HB 1069**), establishing reporting requirements to monitor the effectiveness of tax exemptions (**HB 1094**) and requiring a tax expenditure report as part of the biennial budget documents (**HB 1096**). While none of these are the Assessor's tax exemption review bill, both WACO and WSACA spoke in favor if these bills testifying while they were not in favor of terminating an particular tax preference, they applaud the Legislature for recognizing the need for this process.

County Treasurers/WACO Recommendations

HB 1158 and **SB 5014**, make changes to administrative procedures in the daily operations of county treasurers' offices. **HB 1158** is scheduled for hearing by the House Local Government Committee on Thursday, January 27, at 1:30 p.m. **SB 5014** will be heard on Monday, January 24, at 10:00 a.m. by the Senate Government Operations & Elections Committee. Also proposed by the treasurers for legislative action this session are **HB 1240** and **SB 5281**, requiring a \$10 fee on all Real Estate Excise Tax (REET) transactions for the purposes of developing, implementing and maintaining electronic technology for processing REET.

Electronic Payment of Utility Bills

HB 1009, allowing electronic payment of utility bills, was heard in the House Technology, Energy and Communications Committee last week. Lewis County Treasurer Rose Bowman testified with concerns about the bill, as did many others. The bill says that electronic payment options must be provided *without* additional fees or costs charged to the customer. One issue to be resolved includes a definition of "electronic payment" which is not in statute, and if that includes Internet bill paying, that carries a price. Another issue is the July 1, 2005 effective date, a date too early to implement such a program. A fiscal note has been requested. We are waiting to see the amendments that are currently being drafted before further action.

HB 1088 Taxes Counties Too
HB 1088 is an act relating to a tax on physician services to increase

Budget, Finance, and Taxes (continued)

funding for the Health Services Account. This bill (part of former Governor Locke's tax proposals) imposes a tax on persons engaging in the provision of physician services. Physician services are defined as activities substantially related to the provision of services by doctors or persons under the direction or control of doctors. Physician services include services provided through clinics, hospitals, offices or similar places where doctors provide those services. The tax is 1% on gross income. If physicians are employees of the entity, the tax is imposed on the entity. If the physician is a contractor to the entity, the tax is imposed on the entity and the physician.

The tax does not apply to hospitals as defined in RCW 70.41.020 or to Health Maintenance Organizations.

The purpose of the bill is to increase funding for the Health Services account that can be used to leverage federal Medicaid funding to increase reimbursement for physicians serving Medicaid clients.

As currently written, this tax would apply to county owned primary care clinics as well as Migrant health clinics and other non-profit clinics for low-income services. It would also apply to health departments for any activity in which "physician services" are provided and any nursing services that support those physician services (for example treatment of STDs, TB, etc.) In the absence of language to the contrary, it would also apply to jail health services.

Pension Bills Debut

As the Legislature nears the end of its second week, nearly 30 bills changing pension funding or benefits have been introduced. So

far, there have been none of the traditional proposals for one-time early retirement windows. Most of the bills make permanent benefit improvements large and small. Exceptions to this pattern are bills reducing pension funding levels or eliminating automatic gain sharing of investment returns in excess of 10% per year. When summaries of fiscal impacts and benefits changes become available we will include them in the Courthouse Journal. Next week, the appropriations committee will hear **HB 1325** addressing service credit purchases for retirement plan members called to active duty, but unable to return to state or local service because of injury or death.

Boeing Tax Breaks for Off Shore Companies

In response to European complaints about the Boeing Tax break package passed last year the Legislature is considering a proposal to extend many of those breaks to any foreign company meeting the same criteria. **SB 5175** will be heard in the Senate International Trade and Economic Development Committee on Thursday at 10 AM.

Mandatory Electronic Reporting to L&I for Self-Insured Employers

HB 1310 requires electronic reporting to L&I as a condition of self-insured status. Many self insured employers have asked L&I to create an electronic data base so that self insured employers can benchmark themselves against others in their industry. The bill will be heard Monday at 1:30 in House Commerce and Labor.

Historic County Courthouse Grants Proposed

Legislation to create a capital grant program for the preservation and renovation of historic county courthouses has been introduced in the House and the Senate. **HB 1352**, sponsored by Representative Lynn Kessler (D-Grays harbor County) and **SB 5331**, sponsored by Senator Mark Doumit (D-Wahkiakum County) seek a \$20 million capital appropriation to provide matching grants administered by the Office of Archeology and Historic Preservation to help counties pay for historic preservation work in courthouse restoration and improvement projects.

After conducting a survey that identified nearly \$95 million in needed improvements to Washington historic courthouses -- half of which is preservation work -- the Washington Trust for Historic Preservation has taken the lead in this effort, with assistance from WSAC.

Increased Funding proposed for Community Economic Revitalization Board Projects

The Community Economic Revitalization Board (CERB) was created in 1982 to provide funding for publicly owned economic development infrastructure. Through CERB, direct loans and grants are available to counties, cities, and special purpose districts for feasibility studies and for public improvements such as the acquisition, construction, or repair of water and sewer systems, bridges, railroad spurs, telecommunication systems, roads, structures, and port facilities. CERB funds are only made available if a specific private development or expansion is ready

Budget, Finance and Taxes (continued)

to occur and will occur only if the public improvements are made.

Since 1995, CERB financing has come from a variety of accounts, including the general fund. Legislation passed in 2002 provides that interest earnings on the CERB account (the Public Facilities Construction Loan Revolving Account) are to be retained in the account rather than in the general fund. This amounts to approximately \$200,000 per year. The 2002 legislation also provides for the CERB account to receive, through 2008, the repayment of principal and interest on loans from the Public Works Trust Fund's timber and rural natural resources impact area programs, up to \$4.5 million per year. In 2003, legislation passed providing that the interest earnings attributable to the Public Works

Public Works Assistance Account) is placed in the CERB account. This is expected to provide approximately \$900,000 per year.

The federal government is looking for ways to cut expenses through military base closures. Providing that CERB funds can be used to retain businesses that are military-related may help assure federal officials that Washington has a strong interest in retaining troops at Washington's military bases.

The legislature passed legislation in 2004 creating a small business incubator program in the Department of Community, Trade, and Economic Development (CTED) and a small business incubator account in the state treasury.

HB 1091 and **SB 5040** transfer a total of \$4.5 million in FY 2006 and FY 2007 from the general fund to the

financial assistance for projects that help retain businesses that are military-related and for implementing the small business incubator program.

Update for County Veterans' Programs Proposed

Representative Jim Moeller (D-Clark County) has proposed legislation to update and improve the statute directing counties to provide assistance to indigent veterans and their families. **HB 1189** requires each county to establish an advisory committee of veterans to assist in developing and providing programs for indigent veterans. The bill removes outdated terms and requirements from the statute and allows grants for cremation as well as for burial.

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

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Bill #	Committee	Description	Time	Location Bldg/Room	Date
SB 5136	Senate Government Operations & Elections	Modifying fire protection district property tax levies	10:00 am	JAC-2	01/24/05
HB 5014	Senate Government Operations and Elections	Modifying county treasurer administrative provisions	10:00 a.m.	SHR 2	1/24/05
HB 1195	House Local Government	Revising rules for vesting of short subdivisions	1:30 pm	JLOB-E	01/24/05
HB 1091	House Economic Development, Agriculture and Trade	Providing additional funding for the Community Economic Revitalization Board programs	10:00 am	HHR A	01/25/05
Work Session	House Finance	Washington State Tax Structure Study	10:00 am	JLOB-C	01/25/05
HB 1153	House Local Government	Equalizing the costs of providing municipal services to newly annexed areas	8:00 am	JLOB-E	01/26/05
HB 1229	House Local Government	Revising provisions relating to annexation of territory of certain cities by water-sewer districts.	8:00 am	JLOB-E	01/26/05
SB 5144	Senate Early Learning, K-12 & Higher Education	Providing for a simple majority of voters voting to authorize school district levies and bonds	8:00 am	JAC-1	01/26/05
SJR 8202	Senate Early Learning, K-12 & Higher Education	Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.	8:00 am	JAC-1	01/26/05
HB 1299	House Finance	Repealing outdated and unused tax preferences	1:30 pm	JLOB-C	01/26/05
SB 5027	Senate Water, Energy & Environment	Improving real estate excise tax procedures for taxation of water rights transfers	3:30 pm	JAC-4	01/26/05
HB 1158 HB 1184	House Local Government	Modifying county treasurer administrative provisions Providing training for new county officers	1:30 p.m.	HHRE	1/27/05
HB 1106	House Local Government	Modifying fire protection district property tax levies.	1:30 pm	JLOB-E	01/27/05
HB 1189	House Local Government	County services to indigent veterans and their families	1:30 pm	HHR E	01/27/05

Courts, Public Safety, Law & Justice

Public Safety and Education Account

The House Appropriations Committee will hear **HB 1046**, a bill to do away with the Public Safety and Education Account (PSEA) on Monday at 3:30 p.m. in HHR C, JLOB.

WACO has long resolved that PSEA should be kept intact and restricted from use by the myriad of uses that have attached themselves to it.

The fund was established in the 1980's when 32 percent of all court fines, fees and assessments were directed to PSEA to support functions or agencies that provide essential services to local governments: specifically, the

Criminal Justice Training Commission for law enforcement training and AOC for development and maintenance of the Judicial Information Systems, and few others. The account currently draws 46 percent of revenues and supports 14 different entities.

The Washington State Association of County Clerks is recommending that a study be done to analyze the account and return the account to fulfill its original intent.

Firearms Day in Senate Judiciary on Tuesday

The Senate Judiciary Committee will deal with several bills involving weapons, large and small at 3:30 p.m. Tuesday in Senate Hearing

Room 1, JAC. Most of the issues are in draft form and have not been assigned bill numbers. County sheriffs are encouraged to review the bill lists provided by WACO for numbers as the bills are introduced and comments on the provisions of each. The proposals involve sale of firearms at gun shows; safe storage of firearms; ban of 50 caliber guns; ban of assault weapons; pistol license renewal by members of the armed forces; and **SB 5131**, revising provisions concerning possession of firearms by person found not guilty by reason of insanity. We expect several sheriffs to be in town on Tuesday to attend the hearing.

Elections, Licensing and Recording

SOS Election Reform

Secretary of State Sam Reed presented his Election Reform Package to the Senate Government Operations and Elections Committee on Monday, which includes 12 major proposals:

- Schedule the Primary earlier in the year
- Require absentee ballots to be in by Election Day
- Prohibit third parties from collecting absentee and provisional ballot signature affidavits
- Fully fund the election review function of the Election Division's Certification & Training Program. Mandate election reviews in 13 counties a year
- Reimburse counties for the state's share of election costs

- in even-numbered years
- Require the publication and distribution of a state Primary voters' pamphlet
- Clarify and standardize absentee and provisional ballot procedures, including signature point matching and methods for collecting and receiving missing or mismatched voter signature affidavits
- Clarify statutes relating to canvassing boards, recounts and election results reporting, including canvassing boards' authority regarding rejection of ballots; correcting election staff errors; deadline for filing an election contest; election results reporting to the Secretary of State; and requiring election results for

- recounts to be reported on the same day
- Require paid signature gatherers to be paid by the hour, instead of by the signature
- Allow counties the option of conducting all elections by mail
- Implement I-872, the Qualifying Primary (Top Two)
- Technical cleanup regarding implementation of the Help America Vote Act (HAVA)

Elections Officials Testify With Secretary of State

Along with the election reform package that the Secretary of State presented to the Senate Government Operations and Elections Committee, Monday, a panel of elections officials also testified. Kitsap County

Elections, Licensing and Recording (continued)

Auditor Karen Flynn addressed how the military vote is conducted in this state; Yakima County Auditor Corky Mattingly talked about the procedure of canceling voter registrations of the deceased; Thurston County Auditor Kim Wyman told committee members that there is also a procedure to make sure that felons cannot vote unless their rights are restored; and King County Records, Elections and Licensing Services Division Director Dean Logan, discussed how ballots are enhanced by determining voter intent, as well as how provisional ballots are handled.

Friday, the House State Government Operations and Accountability Committee had a similar hearing, where Snohomish County Auditor Bob Terwilliger joined the panel.

Auditors' Licensing Conference held in Olympia

The Washington State Association of County Auditors held its annual Licensing Conference on January 18 and 19 in Olympia in conjunction with the WSACA Legislative Mini-Conference.

The conference kicked off on Tuesday morning with breakfast and a warm welcome from Douglas County Auditor and Licensing

Committee Chair Thad Duvall. Thad thanked Pacific County Auditor and Licensing Co-Chair Pat Gardner for all of her hard work preparing for the conference and all of those in attendance who braved the inclement weather to be there! The morning progressed with certification update and a wonderful two hour presentation from De Hicks from the Stuart Consulting Group on "How to Deal with Difficult People." This topic was extremely timely given that the Department of Licensing's address verification program begins on Monday, January 23. After a wonderful lunch the group reconvened with Roundtable discussions and ended up the day with a number of individuals heading to the Department of Licensing for a tour of the facilities.

On Wednesday morning the group was joined by subagents from around the state for breakfast and quickly jumped into a morning filled with presentations from the Department of Licensing. The main topics of discussion were the reimplementation of the address verification program, coupled with performance audits, which drew a variety of responses from county auditors, a legislative update and other topics that are important to the

county auditors and their staff. The conference concluded around 12:30 p.m. just before the start of the Legislative Mini-Conference.

Changing Primary Date

SB 5219, Senator Kastama's bill to change the primary date and associated election procedures, will be heard by the Senate Government Operations and Elections Committee on Thursday, January 27, at 8:00 a.m. This bill moves the primary to the third Tuesday of August. Moving the primary up by at least 30 days is one of the Auditors' Association/WACO legislative priorities, and the auditors will support this proposal. They will also support the Secretary of State's impending legislation asking that the primary be moved to June.

WACO and WSAC Endorse Even-Year Election Funding

Last week, both the WACO Board of Trustees and the WSAC Legislative Steering Committee voted unanimously to support the Secretary of State's legislation to require the state to pay its share of even-year election funding. This has been an issue brought forth by WSAC, WACO and the County Auditors Association for over 20 years.

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Bill #	Committee	Description	Time	<u>Location</u> Bldg/Room	Date
HB 1025	House State Government Operations and Accountability	Enhancing integrity of voting systems	1:30 p.m.	HHR D	1/26/05
SB 5219	Senate Government Operations and Elections	Changing primary dates and associated election procedures	8:00 a.m.	SHR 2	1/27/05

Environment, Land Use and Resources

Property Rights Moves North From Oregon

Oregon voters this fall approved sweeping changes to their decades old land use law. Measure 37 requires cities and counties to compensate landowners for the diminution in property values as a result of land use regulations. Three bills were introduced this week in the House. **HB 1163** requires any taxing district that implements any policy requiring a portion of assessed property to be set aside for the purposes of environmental protection must reduce the assessed value by equal to the portion set aside. It applies to taxes levied in 2007. **HB 1164** requires an opportunity for a referendum for critical area regulations. **HB 1165** Requires compensation for county regulatory actions that reduce property value. This bill requires the county to compensate the landowner for any action that sets aside, prevents use, or devalues property or property interest.

House Local Government Committee Holds Work Session on Critical Areas

The Committee invited staff from King and Clark counties to explain the process, the range of issues and difficulties associated with critical area ordinance adoption. Of the nine counties required to adopt by December 1, 2004, only King and Pierce County have adopted. The sixty day appeal window hasn't concluded yet so we don't know the type and number of appeals yet.

Association staff shared with the committee the difficulty counties are facing trying to adopt critical area ordinances. The difficulties range from the lack of relevant science, the

inability to balance competing goals, disagreements on how to protect and inconsistent direction from state agencies. The Legislature will continue discuss this through out the session.

Are Wind Turbines Coming to Your Back Yard?

HB 1021 requires local governments to adopt polices to allow wind turbines on 1 acre lots. The bill would allow local governments to establish a conditional use permit process for small scale wind turbines. The bill goes on to define specific criteria for the conditional use permit process. Finally, the bill goes on to say if a local government doesn't adopt a conditional use permit process, the local government shall approve permit applications if certain conditions are met. This is a bad bill and we encourage you to contact your delegation and tell them this bill takes away your local control.

Field of Dreams

Two bills have been introduced to allow agricultural lands to be used for ball fields. The first bill, **HB 1084**, specifies that qualifying agricultural lands must have playing fields and supporting facilities existing before January 1, 2004, and must not be in use for commercial agricultural production. Specifies that designated recreational lands may be used only for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields. The second bill, **HB 1245**, provides that the development regulations of a county or city planning under RCW 36.70A.040 may permit agricultural lands designated pursuant to RCW

36.70A.170 that are not being used for the commercial production of food or other agricultural products to be used for recreational activities, including, but not limited to, playing fields for sports played on grass.

Declares that counties and cities planning under RCW 36.70A.040 that permit agricultural land to be used for recreational activities may not allow permanent structures to be erected on the land, but may permit removable structures and playing fields constructed before June 1, 2004, that support the use of the land for recreational activities.

Annexation Reform

Last year cities and counties were working on a bill that would allow an additional method of annexation through interlocal agreements. We ran out of time and the bill died in committee. It has been reintroduced in **HB 1285**, it specifies that interlocal agreements are voluntary and if both parties don't want to use the process they don't have to. Another bill has been introduced that only applies to certain cities within King County. **HB 1153**, allows cities to impose a temporary utility tax authority, subject to voter approval, to finance infrastructure improvements within the annexed area.

First Hood Canal Legislation Enacted

Representative Bill Eickmeyer (D-Mason County), chair of the House Select Committee on Hood Canal moved **SHB 1060** from Committee on January 20, establishing the Hood canal watershed as an Aquatic Rehabilitation Zone (ARZ). Eickmeyer intends that new regulatory requirements and

Environment, Land Use and Resources (continued)

programs to improve marine waters be developed specially for an ARZ. This will allow the Committee to address the unique water quality

problems of Hood Canal – but not the marine waters of Puget Sound. Environmental groups such as People for Puget Sound continue to

advocate for stronger on-site septic requirements and additional land use protection throughout Puget Sound and coastal waters.

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	<i>Location</i> <i>Bldg/Room</i>	Date
Work Session and Public Hearing	House Natural Resources, Ecology and Parks	Oil Spill Early Action Task Force Recommendations	1:30 pm	HHR D	1/28
SB 5179	Senate Natural Resources, Ocean and Recreation	Forest Health	3:30 pm	SHR 2	1/24

Public Health and Human Services

Public Health Roundtable Announces Legislative Pedometer Challenge

On Wednesday, representatives of key health organizations and local governments helped legislators launch a "Pedometer Challenge" in Olympia as part of an effort to highlight the financial needs of public health programs in Washington.

For the next month, willing legislators will wear pedometers to measure their daily steps as they "Walk the Talk for Public Health". At the end of a month, the Public Health Roundtable will provide appropriate recognition to the caucus which has "Walked the Talk" the most.

"We're hopeful that while legislators take some extra steps for their health in the name of helping their caucus win the Challenge, they will also have opportunities to hear from members of the Public Health Roundtable" (WSAC is a member), said Tom Locke, M.D. Locke is Chair of the Washington State Board of Health and the local public health officer in Clallam and Jefferson Counties. "Public health continues to face serious funding challenges brought on by the elimination of the motor vehicle excise tax a number of years ago. The need for emergency

response and preparedness and the emergency of new diseases have also resulted in an increased responsibility for state and local public health."

Locke spoke at the request of a new coalition, the Public Health Roundtable. The coalition was formed to provide a unified lobbying effort to discuss the role public health plays in the overall health care delivery system and to encourage establishment of a long range plan to fund its programs.

He was joined at the press conference in Olympia by key legislators in the House and Senate as well as Mary Selecky, Secretary of the Department of Health. All spoke about public health's needs.

Representatives of the coalition pointed out that Washington ranks 39 in per capita spending for public health. It is estimated that only half of the generally accepted standards for public health as set forth in the Public Health Improvement Plan are currently being met. A rough doubling of current funding from all sources would be needed to achieve those standards. The Roundtable is proposing that an interim taskforce be established to study the needs of public health, and to suggest a stable, long-term funding source to meet those needs.

Senate Ways and Means to Devote Two Days to Mental Health

Senate Ways and Means is going to have two exhaustive work sessions on mental health the week of January 24th. The first day will be January 26 at 1:30 and the second day will be January 27 also at 1:30. These are work sessions and no public testimony will be taken. Senate Ways and Means staff Tim Yowell is putting them together with the assistance of Amnon Shoenfeld from the RSNs, Ann Christenson from the Community Mental Health Council, and Frank Jose from NAMI who will confer with their respective groups about who will be presenting. Much of the presentation will be from Tim who will cover the nonmedicaid and residential issues in particular. It is highly unusual to devote this much time to one area which demonstrates the importance of mental health funding and reform this session. The days following these work sessions will be opportune for members and staff to contact their legislators on Senate Ways and Means as the information will be fresh in their minds and you can give them the local concerns and impacts. You can find the list of members and their districts on the www.leg.wa.gov website.

Transportation and Public Works

Will Overweight Farm Equipment Be Allowed

Current law exempts farm implements that weigh less than 45,000 pounds, are 70 feet long or less, and 14 feet wide or less from state highway weight and size limits (state size and weight limits mirror

federal requirements). In order to travel on a state highway, the overweight or oversize farm implement must be patrolled, flagged, lighted, and signed. Violation of this law is a traffic infraction. **HB 1117** raises the highway weight limit to up to

160,000 pounds for farm implements that transport dairy nutrients.

Rejecting All Bids

HB 1292 provides that after bids for a public work have been opened by the state, a municipality, or an institution of higher education as

Transportation and Public Works (continued)

defined in RCW 28B.10.016, award must be made to the responsible bidder who submitted the lowest responsive bid unless it is determined in writing by the state, municipality, or institution of higher education that there is good cause to reject all bids and cancel the invitation.

Any decision to reject all bids and cancel the invitation shall result in the payment of ten thousand dollars or five percent of the project cost estimate, whichever amount is less, to the contractor that otherwise would have been awarded the contract as the responsible bidder who submitted the lowest responsive bid.

Could a Regional Transportation Investment District Happen in Your County

SB 5177 would allow the creation of Transportation Benefit Districts (TBDs) may only be formed in areas outside of a county with a population greater than 1.5 million

and any adjoining counties with a population greater than 500,000. Jurisdictions with authority to initiate a TBD include counties and cities. However, port districts and transit districts may participate in the establishment of a TBD.

The TBD area must include the entire area within each participating jurisdiction. If a TBD includes more than one jurisdiction, the governing body must have at least five members, including at least one elected official from each of the participating jurisdictions.

TBDs may fund capital improvements relating to or supporting highways of statewide significance, and may include specified associated capital projects. A TBD may spend up to 20 percent of its generated revenue on local street, road, and highway improvements, and up to 40 percent on improvements in rural counties.

In addition to the revenue options available to TBDs under current law, a TBD may implement the following revenue measures: (1) local option sales and use taxes; (2)

local option vehicle license fees; (3) local option fuel taxes; (4) employer excise taxes; and (5) vehicle tolls. A TBD may only implement revenue measures approved by the local voters.

Impact Fees and the Department of Transportation

SB 5164 Authorizes the department of transportation to impose impact fees on development activity that creates additional significant demand and need for transportation improvements to state highways or facilities, as determined by the department. Provides that the impact fees: (1) shall only be imposed for state transportation improvements that are reasonably related to the development activity; (2) shall not exceed a proportionate share of the costs of state transportation improvements that are reasonably related to the development activity; and (3) shall be used for state transportation improvements that will reasonably benefit the development activity.

Courthouse Ramblings

We are sorry to report that former Thurston County Sheriff **Dan Montgomery**, 64, passed away on Friday, January 14. We know that many of you knew him. Dan served as Thurston County Sheriff from 1979 through 1986. At his request, there will be no public service. In lieu of flowers, the family suggests donations be made in his memory to the Dan R. Montgomery Scholarship Fund, c/o The Community Foundation of South Puget Sound,

111 Market St. NE, Ste. 375, Olympia, WA 98501. The fund will support local students pursuing criminal justice careers at Washington State Colleges.

The King County Council has appointed **Sue Rahr** to fill the unexpired term of office for former King County Sheriff Dave Reichert, who resigned at the end of last year after he was elected to Congress. She has been serving as interim sheriff.

Rahr has been with the sheriff's office for 25 years and intends to run for a four year term this fall.

County Commissioners have appointed **Jerry Pettit** as the new county auditor to fill the unexpired term of David Bowen, who was elected to the commission in November. He will take office February 1.

Training and Upcoming Events

Washington Association of Coroners and Medical Examiners WACME Class Registration

Medicolegal Death Investigator Training

This course is available to death investigators including prosecutor, coroner, medical examiner and law enforcement personnel. This course will assist the investigator in preparing for the National Certification examination process.

COURSE DESCRIPTION: The purpose of this course is to provide basic training in the field of medicolegal death investigation. This course is intended for individuals who are employed as investigators for medical examiner, coroner, or prosecutor/coroner offices, and for law enforcement personnel who support these agencies by functioning as medicolegal death investigators. The course utilizes the training text *Medicolegal Death Investigator*, by S.C. Clark, et. al and covers the eight general areas outlined in the text. Those areas include: Interacting with Federal, State, and Local Agencies; Communicating; Interacting with Families; Investigation Deaths, Identifying and Preserving Evidence; Maintaining Ethical and Legal Responsibilities; Demonstrating Scientific Knowledge; and Coping with Job-Related Stress. The concepts presented will provide a basic background to investigate most all deaths. In addition, there will be discussion of the investigation of sudden unexplained infant deaths. The course includes both didactic and practical sessions. This training is intended to prepare the medicolegal death investigator to apply for registry certification.

Registry certification for medicolegal death investigators can be obtained through The American Board of Medicolegal Death Investigators, Inc. (<http://www.slu.edu/organizations/admdi/>). This is the basic level of certification. Investigators who have demonstrated the skills to successfully complete registry certification and meet the board's requirements may apply for a higher level of certification in the future when this becomes available. The purpose of certification is to demonstrate that the investigator has the necessary knowledge and skills to perform medicolegal death investigations.

Space is limited. Priority will be given to Coroner, Medical Examiner, and Prosecutor/Coroner personnel. All others wishing to register will be allowed as space provides. *Attendees must attend the entire session to receive training credit.*

- Cost:** Training Course is being provided by W.A.C.M.E. and no fee is required.
- Registration:** Contact Kathie with WACO, send to 206 Tenth Avenue SE, Olympia, WA 98501.
Email: khouts@wacounties.org, Phone: 360-753-7319, Fax: 360-664-2812
- Training Date:** March 7 – 11, 2005
- Training Location:** Washington Association of Sheriffs & Police Chiefs (WASPC), Building 6.
3060 Willamette Drive NE, Lacey, Washington
- Lodging:** A block of non-smoking rooms is being held at the *King Oscar Motel, 8200 Quinault Way NE, Lacey, Washington, until February 14. Govt rates: \$58 plus tax for a queen, \$68 plus tax for a double. Registrants are required to make their own reservations. Reservations Phone: (360) 438-3333 or fax (360) 438-1703 or 1-888-254-KING (1-888-254-5464).
- *The King Oscar is located at EXIT 111 of I-5 and is the closest to the WASPC Bldg. You may stay elsewhere but reimbursement (for those eligible and over 50 miles away) is based on the rates stated.
- Questions:** Contact WACO at 206 Tenth Avenue SE, Olympia, WA 98501.
Email: khouts@wacounties.org, Phone: 360-753-7319, Fax: 360-664-2812

Training and Upcoming Events (continued)

Medicolegal Death Investigator Training

PREREGISTRATION:

Preregistration is required.

Please complete this application and send to:

WACO, Attn: Kathie Houts, 206 10th Ave SE, Olympia WA 98501
k.houts@wacounties.org
Phone: (360) 753-7319
Fax: (360) 664-2812

GENERAL COURSE APPLICATION

Applicants Name (Last)			(First)	(Middle)
Title/Rank:	Social Security Number:	Agency:		
Agency Mailing Address:	(Street or PO Box)	(City)	(State)	(Zip)
Agency Phone:	Agency Fax:	Email Address:		

Additional Applicants

Applicants Name:	Rank:	Social Security Number:

NOTE FOR PROSECUTORS AND LAW ENFORCEMENT: PLEASE INDICATE ON THIS FORM IF YOU ARE A DEPUTY CORONER.

Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
For your convenience training and workshops are bolded.			
<u>JANUARY 2005</u>			
Washington State Association of County Treasurers' Legislative Meeting	WA Counties Bldg, Olympia	January 24-25	(360) 753-7319
WSAC Rural Issues Sub-committee	WA Counties Bldg, Olympia	January 27	(360) 753-1886
Urban County Caucus	Mercato Ristorante', Olympia	January 27	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	January 28	(360) 753-1886
<u>FEBRUARY 2005</u>			
Washington State Association of County Assessors' Legislative Meeting	WA Counties Bldg, Olympia	February 1-3	(360) 740-1392
WSAC Board of Directors Meeting	WA Counties Bldg, Olympia	February 10	(360) 753-1886
WSAC Legislative Rally Day	TBD, Olympia	February 10	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	February 11	(360) 753-1886
<u>MARCH 2005</u>			
WSAC Rural Issues Sub-committee	WA Counties Bldg, Olympia	March 3	(360) 753-1886
Urban County Caucus	Mercato Ristorante', Olympia	March 3	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	March 4	(360) 753-1886
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
WA Counties Insurance Fund (WCIF)/WA Counties Insurance Pool (WCIP) Boards and Insurance Advisory Committee	Red Lion at the Park, Spokane	March 17	(360) 586-0466
WCAA Annual Conference – Winter	Enzian Inn, Leavenworth	March 23 – 25	(360) 753-1886
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

Attachments

Mr. Politician, tear down that curtain!

By Lance Dickie / *Seattle Times*,
January 14, 2005

For pure political baloney, it is hard to beat the contrivance of a Cascade Curtain.

The idea mountains divide Washington into distinct regions — two states, really, with little or nothing in common — is no more than loose folds of rhetoric flapping in the breeze.

Certainly, differences exist between Eastern and Western Washington, but they are urban-rural frictions hardly unique to this state or defined by a mountain range.

Due south, down Interstate 5, Lewis County is more conservative than Pierce and Thurston counties. Urban Clark County butts up against Skamania County. Across the Columbia River in Oregon, the identical political constructs are called the East-West Divide.

Politicians in Salem use the same self-serving prose heard in Olympia. Pitting east against west and vice versa wastes time and money and is an excuse for stalemate.

Leadership — real leadership starting with Gov. Christine Gregoire and House Republican Leader Bruce Chandler — seeks common ground and will not allow politicians to cynically exploit differences.

"I think it's a perception exacerbated or diminished depending on how public officials approach it," Chandler said as the Legislature organized on Monday. "In reality, we are thoroughly interdependent."

Shared concerns about quality schools, access to higher education, economic development, social-

service case loads, transportation and the stewardship of the environment are not divisible by snow-capped geologic features.

Everyone employs hardy stereotypes, all played to the hilt during the battle over the governor's race. Over time, jokes and insults substitute for political dialogue:

So what is the difference between a Seattle environmentalist and a terrorist? Well, you can negotiate with a terrorist.

Why is it so hard to solve a crime in Eastern Washington? That's because the DNA is all the same, and there are no dental records.

Maybe what's needed is a Cabinet post called the secretary for interconnectedness, someone dedicated to making the links and commonality better-known to policymakers and the public.

King County's electoral muscle makes it ripe for caricature as a bully. A *Seattle Times* story last spring noted the county's 1 million registered voters dwarf the 646,000 registered voters in all 20 Eastern Washington counties. A politically calculated shorthand renders Seattle brutish and evil.

For those nursing a grudge against the west side, Seattle can only fuel part of the anger. The region cuts a swath from Olympia to Bellingham. Hardly monolithic, but the population and economic dynamic is bigger than one urban center.

Here is the maddening part: Everyone quietly knows regular-people connections are real and deep.

If Washington State University hosts a football game in Seattle, local alums pack the stands. Our children criss-cross the Cascades for higher

education.

Puget Sound farms and co-ops thrive on the support of WSU extension services. Likewise, Chandler, from Granger, knows west-side technology is at work in Eastern Washington. He is in the fruit business and he sees firsthand "the sales, marketing and processing equipment that come out of research and development in Puget Sound."

Farm-to-market connections across the Cascades are vital. That point hit home for me years ago as talk warmed up for a third runway at Seattle-Tacoma International Airport. Eastern Washington dependence on and support for a robust Sea-Tac were crystal clear.

Easy invocations of the Cascade Curtain allow both sides to talk past one another. Selling the tax package to keep the Boeing 7E7 jetliner made little headway until it was pointed out to legislators that most of the state's 39 counties have aerospace suppliers. Virtually everyone had a stake in success.

For Puget Sound, transportation improvements are all about congestion. Chandler makes it clear the east side is worried about safety. Different outcomes do not preclude cooperation.

Chandler is a reasonable man who sees the big picture. Times change. That covers everything from Eastern Washington sending Democrats to Olympia and Washington, D.C. (until a decade ago), to the growth of poverty in rural areas and an increase in social-service costs. Health-care worries transcend partisan boundaries.

Every day, the Cascades are crossed by people who've redefined employment and lifestyle options. In October, the *Yakima Herald-*

Republic reported more than 1,000 commuters drive daily from Kittitas County into Puget Sound for work. Old choices made new.

Our state is united by more than what divides us.

Even fractious debates about things as elemental as water can be parsed out and solved very close to home. Look at local, citizen watershed planning.

East and west, we thrive on a strong work ethic, shared resources and optimism. Nothing to let politicians hide behind a curtain.