

November 27, 1996

Introduced By: Louise Miller

State Legislative
Program. pch

Proposed No.: 96-1015

MOTION NO. **10008**

A MOTION establishing the 1997 State
Legislative Program for King County.

WHEREAS, The Metropolitan King County Council and the
King County Executive have worked through the joint King
County Legislative Steering Committee to develop a state
legislative agenda and desire to bring their positions on
issues facing the 1997 Washington State Legislature to the
attention of Washington State Legislature, and

WHEREAS, King County desires to work cooperatively with
other local governments and other organizations such as the
Washington Association of County Officials, the Suburban
Cities Association, the Association of Washington Cities and
the Washington State Association of Counties to achieve its
1997 goals, and

WHEREAS, counties have been recognized by the
legislature as partners with the state in the delivery of
such critical services as criminal justice, health and human
services, transportation and water resources, and


WHEREAS, the King County council and the King County
Executive, through the Legislative Steering Committee, will
continue to review legislative developments for possible
revisions of King County's 1997 State Legislative Program;

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NOW, THEREFORE BE IT MOVED by the Council of King
County:
The specific objectives set forth in Attachment A to this
motion are King County's highest priorities for passage
during the 1997 session of the Washington State Legislature.

PASSED by a vote of 10 to 1 this 9th day of
December, 1996.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

ATTEST:


Clerk of the Council

Attachment: 1997 King County Legislative Package

1997 KING COUNTY LEGISLATIVE PACKAGE

SECTION ONE: ADVOCACY

Administration/Human Resources**1. Early Retirement ***

Background: It has been suggested that an additional early retirement window in 1997 would reduce the need to lay off employees as a result of the King County/Metro merger. Survey results from 1995 indicated that nearly 400 PERS I employees in the county would likely take advantage of this opportunity.

Recommendation: Introduce legislation that provides incentives for early retirement as a tool for reducing the size of county government.

2. Emergency 911 *

Background: The 20 cent per month line charge to support enhanced 911 (E-911) is scheduled to be reduced to 10 cents at the end of 1998. A task force authorized by the Legislature has recommended that the tax be continued at 20 cents and further, that the tax be extended to cellular phones.

Recommendation: Support legislation that extends the 20 cent per month line charge for E-911 beyond 1998, including collection from users of cellular phones.

Criminal Justice/Juvenile Justice**1. Cap on State Criminal Justice Assistance Account ***

Background: On July 1, 1997, a cap is scheduled to be placed on the amount of motor vehicle excise tax (MVET) counties and cities will receive from the state for their criminal justice programs.

Recommendation: Seek legislation that would remove the cap on state criminal justice financial assistance, thus allowing counties and cities to realize their full share of the growth in the MVET.

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2. Juvenile Justice *

Background: Over the past three years, the Legislature has attempted to reform the state's juvenile justice statutes. Last session, the Legislature gave the Sentencing Guidelines Commission the task of making reform recommendations to the 1997 Legislature.

Recommendation: Monitor recommendations from the Sentencing Guideline Commission. Support adequate increased funding for the local impact on local detention beds.

3. Early Intervention Funding

Background: Last year the Legislature funded a grant-based intervention accountability program for juvenile offenders. King County applied for and received a grant for its early intervention program.

Recommendation: Seek continued funding levels for early intervention accountability program.

Growth Management/Environment

1. GMA Capacity*

Background: There is growing concern that the Growth Boards may have interpreted the GMA to reduce the flexibility of local governments to plan for growth. The Central Puget Sound Growth Board has ruled that the 20 year population projection is both a floor and a ceiling.

Recommendation: Amend RCW 36.70A clarifying the county's ability to size urban growth areas sufficient to accommodate at least the projected 20 year population forecast.

2. 60-Day Notice Requirement For Development Regulations

Background: RCW 36.70A.106 requires local governments to notify the state Department of Community Trade and Economic Development (CTED) at least 60 days before adoption of development regulations. There is concern that such a requirement adds unnecessary delays to the county legislative process.

Recommendation: Support legislation that would abolish CTED's 60 day notice period required for the adoption of GMA regulations.

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3. SEPA/GMA Modifications *

Background: ESHB 1724 was designed to streamline the SEPA and permitting processes for private development. In the legislation, SEPA and permitting processes were consolidated. While it may not have been the drafters intent, ESHB 1724 may be interpreted to require a consolidated SEPA and permitting process for public works projects as well as for private development.

Recommendation: Amend RCW 43.21C (SEPA) and RCW 36.70B (GMA) to clarify that public works agencies may conduct the SEPA process prior to final design and the permitting stage.

4. Multi-County Planning Policies

Background: In 1990 the legislature established Regional Transportation Planning Organizations and made them responsible for recommending preferred transportation policies to implement adopted growth strategies, preparing a regional transportation plan that is consistent with county wide planning policies and certifying, where appropriate, that county-wide planning policies and adopted regional transportation plans are consistent. However, the legislature also recognizes in the Growth Management Act that counties are regional governments within their boundaries and, working in conjunction with the cities, are responsible for establishing county wide planning policies to ensure county and city comprehensive plans are consistent.

Recommendation: Amend RCW 36.70A.210 limiting the duties of the RTPO's to transportation planning.

Health/Human Service

1. County Sales Tax Equalization *

Background: A shift of 2.95 percent of the motor vehicle excise tax to counties for the purpose of public health took effect January 1, 1996. These funds replaced direct city contributions to local health jurisdictions. The original choice of 2.95 percent as a percentage of the MVET was intended to fully cover the city contribution when combined with additional funds for state and local public health improvement plan (PHIP). Unfortunately, the additional PHIP funds were not appropriated in the anticipated amount. Counties utilize only a portion of the statutorily created county sales tax equalization account each year. The amount remaining in the MVET funded account reverts back to the general fund.

Recommendation: Transfer the amount of the county sales tax equalization account that is not used for equalizing county sales tax shortages to county public health accounts, and distribute it first to fill the shortfalls in King and Pierce County with the remainder to be distributed on a statewide per capita basis to all 33 health jurisdictions.

2. Adult Family Homes *

Background: The recent fire related deaths of two developmentally disabled women at a Seattle area adult family home has engendered legislative interest in addressing the regulation of adult family homes.

Recommendation: Support the development of regulations for adult family homes.

4. Natural Medicine Clinics

Background: In 1995 the County Council unanimously endorsed the establishment and funding of a natural medicine clinic. The 1996 state supplemental budget appropriated \$750,000. Three hundred and fifty thousand dollars was expended during the 1996 calendar year. Four hundred thousand dollars will be available for the period of January 1, through June 30, 1997. The funding request for year two of the pilot project remains \$1.5 million, however, it is possible to continue the current level of service if \$750,000 can be obtained.

Recommendation: Seek additional funding in budget for Natural Medicine Clinic.

Parks/Open Space

1. Real Estate Excise Tax Revenues

Background: Currently, the law only allows expenditure on new acquisition and development without providing for necessary increases in maintenance funding to operate new resources.

Recommendation: Amend RCW 82.46 to allow for a percentage of moneys to be expended on operation and maintenance costs.

2. Conservation Futures Tax

Background: Current state statutes permit counties and cities to acquire open space areas through the conservation futures tax. The statute however, does not permit funds to be used for operation and maintenance costs.

Recommendation: Amend legislation to allow for a percentage of the moneys accumulated through the conservation futures tax to be expended for operations and maintenance.

Transportation

1. Transportation Funding*

Background: The Motor Vehicle Excise Tax (MVET) is assessed against the depreciated value of motor vehicles and is generally regarded as one of the most effective taxes in the state because of its sensitivity to inflation and the rapid increase in new vehicle prices. Among the programs of importance to counties that are funded by the account are criminal justice, public health, sales tax equalization and funding for transit agencies. Because transportation funding is nearing a crisis point, increasing consideration is being given to attempting to redirect the MVET used to fund these programs.

Recommendation: Support preservation of existing transit and road distributions to King County; added funding as part of comprehensive transportation finance package; and support access to competitive accounts.

2. Public Disclosure/Commuter Liability

Background: For the past year the Commute Trip Reduction Task Force has been studying various components of the Commute Trip Reduction Act. Employer and local government representatives have identified several technical changes which support increased participation in the CTR program such as exempting rideshare, vanpool, transit benefits and operator complaints from the public disclosure act as well as liability exemptions for employers who provide commute trip reduction incentives.

Recommendation: Introduce legislation that would exempt commute trip reduction programs (vanpool, carpool and transit) from the public disclosure act and clarify that employers will not be held liable through their workers compensation coverage for accidents occurring while employees vanpool, carpool, bicycle or use transit.

3. Commute Trip Reduction Goals

Background: Over the interim the Commute Trip Reduction Task Force has also reviewed commute trip reduction goals. The original legislation required employers to reduce commute trips by 15 percent in 1995, 25 percent in 1997 and 35 percent in 1999. However, it has become evident that many employers will be unable to meet these goals.

Recommendation: Introduce legislation that adjusts commute trip reduction goals to 20 percent in 1997, 25 percent in 1999 and 35 percent in 2005.

4. Paratransit Fares

Background: Americans with Disability Act (ADA) regulations permit the fare charges on specialized paratransit services to be twice the regular bus fare. Under a recent court decision, state public accommodation law limits paratransit fares to no more than fare charged for regular service. This may limit the County's flexibility in designing fare structures. Flexibility is particularly important as the federal ADA requirements come into full force in 1997 and the County addresses continued eligibility of low income seniors and non-ADA eligible riders for specialized services.

Recommendation: Modify the state law to be consistent with federal ADA requirements on paratransit fares.

Water

1. Reclaimed Water

Background: As a result of continued growth in King County, water conservation and reuse has become an environmental and economic priority. Historically, King County has developed several innovative reuse projects such as the Boeing Chiller program. It has recently been suggested that greater conservation and reuse benefits may be realized through an expanded reclaimed water program.

Recommendation: Amend RCW 90.46 declaring the owner of a waste water treatment plant, operated for the purpose of treating wastes from a sanitary system and discharging to marine waters, holds the exclusive right to the reclaimed water.

2. Stormwater Assessment

Background: In 1995 and 1996 the Transportation Committee debated continued funding of the stormwater assessment account particularly in light of the recent transportation budget constraints. Cities and counties currently charge the Washington State Department of Transportation for maintenance of stormwater facilities.

Recommendation: Seek continued funding of the stormwater assessment account.

3. Centennial Clean Water Account

Background: In 1986 the Legislature enacted the Centennial Clean Water Account which established a \$45 million per year grant program to fund water pollution control facilities and related activities. In 1994, the distribution formula for the account sunsetted. However, the legislature appropriated the full \$90 million to the account of which King County receives \$25 million biennially. In addition, the account has also funded conservation districts throughout the state.

Recommendation: Seek funding for the Centennial Clean Water Account which ensures the \$25 million extended grant payment and the equitable funding for the King Conservation Districts.

4. Sewer Capacity Connection Charge

Background: Last year the Council audited the capacity charge program to assure area ratepayers that funds were properly applied to capital improvements needed to expand sewerage system capacity. The audit identified the potential need for changes in the state enabling legislation that would support water quality capital improvements over the next decade ensuring that new sewer system customers will equitably pay their fair share of system expansion costs.

Recommendation: Amend RCW 35.58.70 which allows the county to recover capital costs identified in the most recent comprehensive plan; revise provisions which would permit the county to assess charges based on actual costs or on project estimates identified in the most current adopted comprehensive plan and to explicitly allow the collection of the capacity charge at the time of connection or reconnection.

5. PBRS Review Time Limit

Background: Currently there is no time limit for cities and towns to review Public Benefit Rating System (PBRS) applications. This can create long unnecessary delays in the applications process. A three month time limit would help ensure prompt review and approval of applications. The county has a three month time limit.

Recommendation: Support legislation providing for a three month time limit on city or town review of any Public Benefit Rating System program

SECTION TWO: KING COUNTY LEGISLATION SUPPORTED BY THE WASHINGTON STATE ASSOCIATION OF COUNTIES

Criminal Justice/Juvenile Justice

1. Indigent Defense Costs

Background: The state funded Attorney General's Office brings dependency actions in local courts but if indigent representation is needed for parents, the county is required to pay for this service to defend against state lawyers. The Office of the Administrator for the Courts has expressed a willingness to address state funding of indigent defense.

Recommendation: Seek state funding of public defenders on dependency actions, contempt of court charges due to non-payment of child support and school truancy.

Growth Management/Environment

1. SMA and GMA Integration

Background: For the last two years, the legislature has attempted to streamline state planning and regulatory requirements, especially GMA, SMA and SEPA. This work is part of the long range mission of the Land Use Study Commission, and also is the topic of rulemaking by DOE advisory committees.

Recommendation: Support a more thorough integration of state land use statutes, especially for an integrated GMA/Shoreline Management Act that reduces state oversight of local shorelines planning and for better state level coordination on permit issuance.

2. Short Plats

Background: The Subdivision Act defines a short plat as a division of land into four or fewer lots or parcels, and allows cities and towns by ordinance to increase the number of lots or parcels created to nine.

Recommendation: Support amendments to the Subdivision Act to allow counties to also create short subdivisions up to nine lots within an urban growth area.

Health/Human Services***1. Funding for High School Transition***

Background: Over the past several biennia, bi-partisan support from the legislature has recognized the importance of funding employment and or continued educational opportunities for persons with developmental disabilities who have finished their high school education and entered adult society. Research has demonstrated that without such support many of the gains made and skills learned in childhood and the teen years could be lost.

Recommendation: Support adequate funding for community programs for the developmentally disabled. Support the Department of Social and Health Services 1997-99 budget request for continued and new transition funds for high school graduates.

2. Low Income Housing Fund

Background: In past years King County has utilized the real estate excise tax (REET) as a funding source for low income housing. That source is no longer available for this purpose. Last year a bill failed to pass the legislature that would have provided King County with \$2 million for low income housing. It established a \$5.00 recording fee on all real estate related documents.

Recommendation: Replace loss of dedicated funding source for low income housing development

Water***1. Exempt Wells***

Background: The Department of Ecology denied water rights permits to more than 300 applicants earlier this year, citing insufficient instream flows and concerns regarding hydraulic continuity. Ecology also has a backlog of 5,000 water right permit applications. Developers around the state are currently taking advantage of a statutory provision that allows them to drill a well that pumps less than 5,000 gallons per day without having obtained a water right permit. The proliferation of exempt wells could impinge on existing water supplies.

Recommendation: Provide the option for counties to permit, regulate, condition and restrict wells pumping 5,000 gallons per day.

SECTION THREE: INFORMATION/EDUCATION/MONITOR**Criminal Justice/Juvenile Justice****1. Hit and Run**

Background: Current law affords greater protection to cars and property than pedestrians struck during hit and run accidents:

Recommendation: Support amendments to hit and run statutes which increase penalties for injuring pedestrians in hit and run accidents.

2. Firearms

Background: Current law does not prohibit the issuance or transfer of concealed pistol license to individuals with mental problems unless the person has undergone a civil commitment. Nor does the law provide any review or revocation process to determine whether retired law enforcement officers remain eligible for the concealed pistol license exemption.

Recommendation: Support/monitor legislation that would deny or seek judicial review of firearms transfer and or concealed pistol licenses if the purchaser applicant has mental problems; divest county of all gun licensing responsibility, making it the responsibility of the state; and support annual review/revocation process to determine whether retired law enforcement officers are still eligible for concealed pistol license exemptions.

Health/Human Services**1. Involuntary Treatment Act**

Background: Currently, there are technical and procedural problems in the law that create barriers to treatment for those most in need. Cases can be dismissed by the court due to procedural errors without the merits of the case ever being considered.

Recommendation: Monitor/support amendments to the Involuntary Treatment Act to clarify language.

2. State Housing Fund

Background: The State Housing Trust Fund has been funded at \$50 million per biennium for the past six years. Between one quarter and one third of this funding has been used to support housing developments in King County each year. The State has jointly funded nearly every housing development through King County's Housing

Finance program often matching or exceeding the County's level of funding. In addition, State funding has helped leverage substantial private investment and federal funding in housing. Without the State's continuing commitment to housing development, King County's programs would serve far fewer low income residents.

Recommendation: Support an appropriation in the 1997-99 Capital Budget for the State Housing Trust Fund.

Growth Management/Environment

1. Transfer of Land to a Public Body

Background: Currently, there is no provision in state law to exempt transfer of land to a public body from the subdivision requirements. Thus, such transfers are subject to the preliminary subdivision process, including a public hearing and council approval. This results in an unnecessary burden for private and public parties wishing to transfer land for a variety of public uses.

Recommendation: Monitor/support legislation allowing for transfers of land to a public body.

2. Administration and Enforcement of Electrical Code

Background: Many of the requirements of the electrical code relate to those found in the building code. Cities and counties could elect to provide a one step permit service. This would eliminate the need for multiple permits from multiple agencies and multiple inspectors visiting the same job site.

Recommendation: Monitor/support legislation that will allow cities and counties the option of administering and enforcing the electrical code.

Regional

1. Woodland Park Capital/Education Project

Background: A group of King County, Seattle and suburban city elected officials has been meeting during the past several months to discuss how to move forward on the zoo commission II's governance and finance proposal for the Woodland Park Zoo. The group agreed that the matter should be referred to the GMPC's Regional Finance and Governance Oversight Committee.

Recommendation: Support the Woodland Park Zoological Society in its efforts to obtain funding for immediate and critical need for an education or capital project at the Woodland Park Zoo.

Transportation

1. S.R. 519 Project

Background: Over the past year, a working group consisting of several public and private entities has been meeting to develop a transportation solution to the increased congestion in the south downtown area of Seattle. Specifically, the participants have been reviewing several transportation options aimed at eliminating conflicts between the different modes of transportation near the Kingdome and the new baseball stadium site.

Recommendation: Support/monitor direct state funding of approximately \$70 million for the project either as part of a comprehensive package or a stand alone appropriation. Support funding for the Spokane Street Viaduct.

Water

1. National Pollutant Discharge Elimination System Permit Fees

Background: Current law establishes a limit on municipal wastewater discharge permits at 15 cents per month per residential unit. Industrial permit fees are not capped, consequently, businesses believe they shoulder a greater burden for the program. The Wastewater Permit Fee Task Force has continued to meet during the interim to re-examine the current cap on municipals. The King County Department of Natural Resources is presently assessed over \$500,000 annually for its NPDES permit.

Recommendation: Oppose efforts to increase the municipal fees on discharge permit fees.

2. Solid Waste/Flow Control

Background: The U.S. Supreme Court has ruled that the commerce clause of the Interstate Commerce Act has supremacy over local flow control ordinances. These local ordinances have been the chief method of assuring that rates pay for the solid waste infrastructure system by directing where the flow of solid waste will go.

Recommendation: Support legislation that would make up for the loss of revenue due to flow control ordinances being declared unconstitutional.

FISCAL INTEGRITY FOR PATIENT OPERATIONS:

The Board endorses as a legislative priority actions that would ensure the fiscal integrity necessary to support ongoing programs and activities in clinical services, teaching and research at Harborview. These legislative activities include but are not limited to:

- Continued funding for services to medically indigent patients
- Preservation and enhancement of the Basic Health Plan
- Medicaid reimbursement for services rendered to patients
- Preservation of disproportionate share (Harborview is a major participant in the State's disproportionate share programs which reimburse hospitals with large commitments of service to low-income populations.)

CAPITAL NEEDS:

The Board endorses as a legislative priority:

- Funding necessary to complete the research and training building
- One time technology investment for clinical services related to statewide role (\$9 million)

STATE TRANSITION FUNDING:

The creation of emergency reserves in the state operating budget to transition services of unique providers -including Harborview- in the event federal cutbacks in Medicaid and Medicare occur during the 1997 - 99 biennium with continuation of budget language affirming the importance of Harborview's financial viability.

12/9/96

Harborview Medical Center has identified several unfunded projects that would dramatically enhance trauma care for residents throughout the State. These projects can be addressed with a one-time investment.

HELIPAD/TRANSPORT SYSTEM: \$4.5 MILLION

A helipad/transport system is needed to safely move patients from the helipad site to the hospital's emergency room. After substantial project work to comply with noise regulations, FAA regulations and community impact abatements, the original plan to move the helipad to a new site adjacent to the Emergency Department (ED) proved unacceptable. A feasible alternative would be to site the helipad on top of a new garage to the west of the medical center. A device to move patients and care providers from the helipad to the ED would provide quick and safe transport. This option would serve functional requirements, regulatory requirements and medical standards for patient needs.

TELERADIOLOGY/DIGITAL SYSTEM: \$3.0 MILLION

The ongoing evolution in trauma care and technology creates new standards for radiology. In current standards of medical practice, teleradiology provides instantaneous viewing of X-rays (radiographs) from multiple sites. Throughout the medical center, providers can view X-rays without the delays and uncertainties associated with manual transfers of X-rays. Madigan Army Hospital introduced teleradiology technology in 1990 and most hospitals are moving toward implementing this technology to improve patient care and achieve efficiencies in speed and resolution of care. As the state's only Level I trauma center, Harborview serves the most complex trauma cases in which these efficiencies would have the greatest impact.

DISTANCE RECORDS INFRASTRUCTURE: \$1.5 MILLION

As a major referral center for trauma and specialized care, Harborview often communicates with community physicians about patients who are undergoing treatment at Harborview. Harborview desires to develop a system to support data and image transmission capabilities between Harborview physicians and community physicians in remote settings. It is critical that the system ensures patient confidentiality. This current phase of construction, coupled with technical developments in computing and communications, allows the State this unique opportunity to install the communications linkage between Harborview and practicing physicians outside the system.