

Legislative Roundtable

October 6, 2017

9:06 a.m.

Present: Commissioner Stamper, Commissioner Fund, Commissioner Jackson, 20th District Rep. Ed Orcutt, 20th District Rep. Richard DeBolt, 19th District Sen. Dean Takko, 19th District Rep. Brian Blake, and 19th District Rep. Jim Walsh

Guests: Various members of the public and media

Recorder: Rieva Lester

Commissioner Stamper opened the meeting.

The commissioners and the legislators introduced themselves.

Flooding and Hirst

Commissioner Fund discussed flooding. She said Benaroya officials had commented that flooding is the first thing that comes up when someone Googles Lewis County.

Matt Matayoshi of the Economic Development Council (EDC) thanked the lawmakers for maintaining Economic Development Organization (EDO) funding. Matt said he would like to see the North County Access funds for transportation are retained. He discussed the recruitment division of the Department of Commerce. He also addressed regional flooding. He said outside entities have a perception that the area is plagued by flooding.

Sen. Dean Takko said he agrees with the Republicans regarding the Hirst decision. He said a stalemate in the Senate is causing a roadblock regarding flooding.

Rep. Richard DeBolt discussed the various steps taken to create a funding source to combat the county's flooding issues. He discussed the problems surrounding the Hirst decision. He said a Hirst fix would require a 60 percent supermajority to pass.

Rep. Brian Blake echoed the need to pass the capital budget and find a permanent fix for Hirst. He discussed the Taylor-Blake amendment, which he said was a step in the right direction. He said the tax shift that would happen over time under Hirst would cause significant problems in the state's rural areas.

Rep. Jim Walsh echoed the need to pass a capital budget and to fix Hirst. He said the state needs a permanent fix for Hirst, not a permanent one. Rep. Walsh said he's like to see the Department of Commerce focus more on recruiting business.

Timber

Commissioner Stamper said the DNR is working on two plans for timber harvest. He asked how the lawmakers can work on those.

Rep. Ed Orcutt discussed his recent meeting with Sen. Takko on the topic. He said taking lands offline, the rural areas struggle. He said taking land out of production would be a death knell for rural areas.

Sen. Dean Takko discussed the marbled murrelet issue. He said it seems the group is trying to find a comprehensive plan.

Rep. Blake said the marbled murrelet population is fine elsewhere. He said the West Coast population should be viewed as one population. He said locking up land has not worked. He said the spotted owl was used as a tool to halt logging. He said the “solution” presented for the marbled murrelet would devastate rural areas.

Rep. Walsh said efforts to lock up land for the marbled murrelet must be fought, and he said the land locked up for the spotted owl needs to be revisited, too. He said he will travel to the East this fall to speak to the feds about the listing of the species. He said the state needs to keep timber land in production. He said the land is meant to provide funding for schools, etc.

Rep. DeBolt said the forest fires served as a wake-up call about locked up lands.

Commissioner Stamper reiterated his concerns about the locked-up lands. He asked about the lawmakers’ efforts regarding the DNR’s plan regarding forest management.

Rep. Blake discussed a recent meeting he attended regarding selective harvests in the Gifford Pinchot National Forest. He said the Northwest Forest Plan has been a failure. He said he’s hopeful the state-level action will allow better access to public land.

Rep. Orcutt said he directs people to Oregon’s Tillamook forest, which has not been managed and has been subject to repeated wildfires. He said the tide is beginning to turn because groups are seeing the detriments of locked-up forests.

Commissioner Stamper discussed Ascot Mining’s efforts near Mount St. Helens.

Rep. Orcutt said the effort would be an opportunity for jobs. He said he toured the site and saw how small the mining site is.

Laura Berg from WSAC noted that it’s the one-year anniversary of the Hirst decision. She discussed the shift of responsibility from the state to the local governments. She said counties don’t have the resources to take on the water mitigation determination. She also discussed timber and said the timber dollars that come in go to schools, libraries fire departments, etc.

Collecting legal financial obligations / unfunded mandates

Scott Tinney, Lewis County Clerk, said there’s a trend of a decline in legal obligations fined and / or collected. He said recent decisions have hurt the court’s ability to levy discretionary fines. He said the court must weigh the convicted individual’s current and future ability to pay. He said there also have

been changes as to who is to pay. Scott said in the past, those individuals would make small, regular payments. He said the threat of noncompliance or contempt helped get those individuals to pay. He said those discretionary funds – such as jail reimbursement – go directly to the counties. He said fines no longer are being assessed or are being waived, which means the costs associated are no longer recouped. Scott cautioned that it's only going to get worse. He said the revenues collected will continue to wane. He said the next five to 10 years will see a dramatic decrease.

Rep. Blake asked what type of decision it was and what the county would be looking for in regards to help. Scott said he'd like to see work done on indigent defense.

Rep. DeBolt asked if the courts can streamline the process to use less court time. Scott said the Clerk's duty is collect the money, not set the court dates, etc.

Sen. Takko discussed flip side of the issue, including the benefits of indigent defense to prevent those individuals from cycling through the system repeatedly. Scott said there needs to be an alternative revenue source to offset the lost funding source.

Judge Buzzard offered to answer questions regarding the language in the bill. He discussed the language in SB 1783, which "frontloads" the indigency ruling. He said he has only once jailed someone for not paying their fees – and in that case it was someone who *could* pay, they were merely refusing to. Judge Buzzard said the small increments most individuals do pay help serve as a reminder of why these individuals should not make that error in judgement again. Judge Buzzard said offenders don't pay their non-moving violations and don't pay for lack of insurance because there's no recourse. Judge Buzzard said payment plans are available. He discussed the many steps that take place before an individual has their license revoked. He said it's a responsibility issue, not a monetary issue. He said the monetary issue doesn't come into play until the very end, at the point their license is actually revoked. He said the state is tying the court's hands. He said the court takes into account the individual's ability to pay before imposing fees/fines.

Commissioner Fund said the county spent \$1.2 million on indigent defense last year and \$1.5 million this year.

Sheriff Snaza echoed Judge Buzzard's concerns about the court's hands being tied in regards to fines and fees. He said incarceration becomes a revolving door because the courts cannot hold the individuals accountable. Sheriff Snaza said 75 percent of the county budget is consumed by the Law and Justice system. Sheriff Snaza said taxpayers are paying for the medical needs of all of those who are incarcerated because even if the incarcerated individual has Medicaid coverage, that coverage halts when they become incarcerated. He said 74 percent of those incarcerated have Medicaid coverage, yet the taxpayers then must foot the bill for all medical care. Sheriff Snaza discussed the need to lift the 1 percent cap. He said the county's hands continue to be tied. Sheriff Snaza also discussed the high costs of state-mandated training. Sheriff Snaza said the Medicaid issue is the biggest worry.

Law and Justice Council

Eric Eisenberg of the Prosecutor's Office discussed the Law and Justice Council. He said the state mandates having the Law and Justice Council but doesn't require that it do anything. He said the state

should make the Law and Justice discretionary. He then discussed the Law Library. He said the county's Law Library has computer terminals and a handful of books. He said they served a function years ago, when books were the only sources for law information. Today, he said, the information is available online. He said the county uses West Law, which uploads the information online. He said the Law Library functions should return to the court.

Rep. Blake asked if the state prosecutors' group would bring a bill forward.

Eric Eisenberg said attorneys in Superior Court, like those in District Court, generally are paid a flat rate per case.

Insurance

Commissioner Jackson discussed the county's efforts to change its insurance provider to Public Employees Benefits Board (PEBB). He discussed RCW 41.04.205. He said PEBB is asking for information that cannot be attained. He said Prosecuting Attorney Jonathan Meyer reached out to PEBB and that its board will meet the following week the discussed its requirements. Commissioner Jackson said the language in PEBB's requirements.

Rep. DeBolt said he had spoken to PEBB earlier in the week. He said there is a requirement to share claim history. He said the board cannot take on high-claims entities without passing costs on to everyone else using the insurance group.

Archie Smith, Human Resources Administrator, thanked various members of the county for helping in the effort to find affordable healthcare and to navigate PEBB's requirements.

Rep. DeBolt asked if the county had looked at self-insurance. Archie said the age of the workforce would not lend itself to self-insurance.

Commissioner Jackson the county was facing a 68 percent increase in health care costs through WCIF and Premera.

Roundtable

Danette York, Director of Public Health and Social Services, thanked the lawmakers for the Foundation of Public Health funding approved. She said the funding allows the county to reinstate communicable disease work, including bird flu, E. coli, hepatitis C, pertussis, chicken pox, etc.

Dianne Dorey, Lewis County Assessor, said state levies are being implemented. She said many schools statewide have passed bonds that will be on top of the SB 2242 requirements. She also touched on the constraints of the Hirst decision. She said many people locally don't realize what the Hirst decision will mean.

Rep. Orcutt asked what the impact of Hirst could be on properties that cannot get wells. Dianne said it would create a huge tax shift. She said a well approved today may not be usable under Hirst. She said if land cannot be developed and the assessment drops, others would pay more to offset the lost taxes. Dianne said the lack of new construction funding will be detrimental to cities and counties alike.

Rep. DeBolt asked about ACORN's efforts regarding pre-registering teens to vote.

Chehalis Mayor Dennis Dawes discussed the standard prison ranges of years past. He said many individuals who've been incarcerated want medical care as soon as they're locked up, costing cities and counties. Mayor Dawes discussed the need for a common-sense approach to rules and regulations at the state level. He praised the region's efforts on flooding mitigation.

Centralia Mayor Lee Coumbs discussed the costs associated with the state's many special sessions. He said lawmakers should get a flat rate for service – no extras for per diem, mileage, etc. for special session. Sen. Takko said that during 90 days of special session, he was there for six. He said lawmakers aren't using funds like the public may think.

Rep. Orcutt said lawmakers also dislike the special sessions.

Rep. DeBolt said there are times lawmakers have to stand up and say no to proposed mandates, etc. He said it's better to fight that type of effort rather than to sit down and be run by a dictator. He discussed the need to perform his work thoughtfully rather than quickly.

Napavine Mayor John Sayers discussed the Rush Road interchange at milepost 72. He said traffic in the area needs to be addressed. He said WSDOT has said no to stoplights and intersections. He said he'd love to see the area looked at in the future.

Rep. DeBolt asked if a Local Improvement District (LID) could be used.

Napavine Public Works Director Brian Morris weighed in and said efforts have gone nowhere so far.

Rep. Orcutt said he would work with DOT to find a solution.

Morton Mayor Dan Mortensen said the city's water tower project and water treatment plant project went out to bid. The projects were tied to the capital budget, which did not go through. He said the bids came in too high, so it ended up being a moot point, but he said if the bids had gone through, the project would have been stonewalled due to the stalled capital budget. He urged the lawmakers to move forward with a capital budget.

Pe Ell Mayor Lonnie Willey thanked the lawmakers for their help with the city's various projects, including the water line replacement.

Winlock Mayor Lonnie Dowell said the city has been fortunate in receiving nearly \$10 million in the past four years. He thanked the lawmakers for their efforts to help the city, including funding earmarked for a future water line project.

Toledo Mayor Steve Dobosh said the city is just waiting on money for its water tower. He also discussed logging that took place on the Gifford Pinchot in his younger years. He said the upper Gifford is blowing down that is a ticking time bomb when it comes to wildfires. He said the area should be opened to logging to thin the area, which would create jobs and help the economy. He said 40 years ago, Weyerhaeuser logged 600 acres when he was a kid and has since logged it again. He said the Gifford Pinchot should be maintained the same way.

Public comment

Tom Crowson discussed Districts 2, 5, and 15 and the costs the lawmakers are forced to cover. He also discussed the potential dangers associated with the county's freeway and rail line – and the need for the state to pitch in. Tom said he is working with the county, Napavine, and 911 to create a new complex at exit 71. He said a property owner is willing to donate property toward the effort.

Bill Marshall discussed his work on the budget advisory group. He discussed the unfunded and underfunded mandates the county faces. He said the group found very little in the county budget that can be cut. He said most of the money goes toward those underfunded and unfunded mandates.

Rep. DeBolt said he has tried working on bills for unfunded mandates. He said he would continue to try to find a solution.

Rep. Blake asked for the list of the unfunded mandates.

Rep. Orcutt discussed his work on the Growth Act revenue, as well as efforts to avoid cutting state funding for programs.

Bill Marshall said economic development is key.

Westport Mayor pro-tem Bob Purnell discussed the difficulties facing the “coastal coalition.” He discussed the city's erosion troubles, work on the “LCP,” and the area's need for dredging.

Suzette Smith said she would deliver the ACORN question to Auditor Larry Grove.

Bart Treece of WSDOT said WSDOT is nearing a milestone with the Chamber Way project. He said an overnight closure is planned to install structures. He said traffic will shift to the temporary structure in fall and that the permanent fixture should be ready next year.

Mitch Townsend discussed the county's negative budget trajectory. He said taxes and fees will have to be raised. He said the county needs to look to the future. He said the budget advisory group has nine pages of recommendations on how to move the county forward. He said the county needs to invest in smart, high-tech, green industries.

Former Commissioner Ron Averill of Centralia said rural cities and counties were cut to the bone and face demands they can't meet.

Lee Coumbs again urged the lawmakers to push the capital budget through.

Commissioner Fund said the day's handouts would be posted online.

Sen. Takko discussed a special committee that met to discuss restructuring, etc. However, he said, it was kind of a non-starter. He said maintaining the status quo is much like pushing a rock uphill.

Commissioner Stamper thanked the legislators for their approachability and hard work.

Rep. Orcutt thanked the group for attending.

Rep. Walsh said he foresees unfunded mandates, especially indigent defense, becoming a focus at the state level. He said he is looking for a way to exempt small counties from some of the regulations.

Rep. Blake and Sen. Takko also thanked the group.

Rep. DeBolt echoed the need to pass the capital budget, which he said will be friendly to rural areas.

Meeting adjourned at 11:41 a.m.