

SENATE BILL REPORT

SB 6372

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 2, 2012

Title: An act relating to reducing nontax administration costs associated with the conduct of city and county operations.

Brief Description: Reducing nontax administration costs associated with the conduct of city and county operations.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/12, 2/02/12 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6372 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase and Nelson.

Staff: Karen Epps (786-7424)

Background: Public health services in Washington are provided by the Washington State Department of Health (DOH) and the 35 local health jurisdictions. Local health jurisdictions may be structured as a county agency, a city-county agency, or a single agency comprised of multiple counties. The activities of these agencies are generally divided into five categories including preventing and responding to communicable disease; protecting people from environmental health threats; assessing health status; promoting health and preventing chronic disease; and accessing health services.

Summary of Bill (Recommended Substitute): Statewide organizations representing local public health officials, counties, and cities must convene a workgroup to develop recommendations to the Legislature on preferred funding and service delivery methods that will ensure the presence of a cost-effective, nimble, responsive, and sustainable public health system throughout Washington. The workgroup must be comprised of:

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- four local health jurisdiction representatives;
- two elected county representatives;
- two elected city representatives;
- the Secretary of DOH or designee.

All necessary efforts must be made to ensure that the workgroup represents the economic and geographic diversity of Washington's local health jurisdictions, counties, and cities. The workgroup must submit its initial recommendations to the appropriate legislative committees by January 1, 2013.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Removes various provisions, including:

- the limitation on the State Auditor to conduct examinations of county and city financial affairs to every three years;
- the changes to provisions governing arbitration panels for uniformed public employees;
- the additional requirements to be included in the National Pollutant Discharge Elimination System municipal storm water general permits;
- the changes that would make failure to comply with seatbelt or child restraint requirements admissible as evidence of negligence; and
- the numerous changes to public notice requirements for cities and counties.

Amends the provision requiring a workgroup of public health partners to report to the Legislature by January 1, 2013. Requires statewide organizations representing local public health officials, counties, and cities to convene a workgroup to develop recommendations to the Legislature on preferred funding and service delivery methods that will ensure the presence of a cost-effective, nimble, responsive, and sustainable public health system throughout Washington. Specifies membership requirements and directs the workgroup to submit its initial recommendations to the appropriate legislative committees by January 1, 2013. Amends the title.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill provides a number of cost saving measures for cities and counties. One of the concerns from cities and counties is being audited year after year, yet they are acting properly. The bill would allow local governments to be audited every three years. Another big expense is personnel costs, and this bill would amend the binding interest arbitration statutes to reflect the differences in the economies throughout the state. The draft municipal general storm water permit from DOE does too much too fast. Under this permit, Washington would be the first state to require LID. The ability to admit into evidence any civil action factual information about whether a

person is properly restrained in a vehicle places the responsibility in the hands of the driver of the vehicle and diminishes the likelihood that local governments will bear the burden of responsibility. There would be great value in convening a workgroup to examine the ways in which a sustainable public health system could be obtained. The public notice changes in this bill will make it easier for the public to find the information they are looking for, while at the same time saving local governments money.

CON: The one-year delay on municipal general storm water permits last year provides fiscal relief to local governments and allows for a longer comment period. The changes in this bill would circumvent the public comment period. If this bill were to pass, DOE would probably need to take a new draft permit out for public comment. The current draft permit has a phased-in approach on LID. This bill essentially eliminates storm water regulations as they would apply to all properties one acre or less. This bill makes LID voluntary and undermines the ongoing permit process. LID is often the cheapest way to develop and the often the best way to address legal obligations and the environmental impacts of development. This bill is extremely problematic administratively speaking and makes a mockery out of CWA. The language in the bill authorizes incentives within the permit. This bill would place an undue burden on DOE. Other permits require LID, and the EPA is moving forward on LID requirements. This bill attacks binding arbitration and takes away some of the rights of collective bargaining of members. Binding arbitration is a last resort. The sections on binding arbitration is a solution looking for a problem. The modernization of the arbitration statutes in this manner will cause more arbitrations. An arbitration panel should not be asked to ignore history and contemplate the last budget resolution by the city or county when making their decision, as this will create some real problems. Arbitration exists because these employees cannot strike. These employees have already made concessions. Removing the ability for an arbitrator to consider past decisions causes the arbitrator to work in a vacuum. Knowing the history of previous decisions is an important part of settling a dispute. The changes in this bill related to the use of volunteers would deny the employees who do the actual work any input into how volunteers can assist them in bettering their communities. It may be likely that this could set up a situation in which volunteers are seen as a threat rather than an asset.

Persons Testifying: PRO: Senator Swecker, prime sponsor; Don Gerend, City of Sammamish; Dave Williams, Assn. of WA Cities; Don Krupp, Thurston County Administrator; Scott Merriman, WA State Assn. of Counties.

CON: Don Seeberger, DOE; Bruce Wishart, People for Puget Sound and Sierra Club; Mo McBroom, WA Environmental Council; Chris Wilke, Puget Soundkeeper Alliance; Bud Sizemore, WA State Council of Firefighters; Jamie Daniels, WA Council of Police and Sheriffs; Pat Thompson, WA State Council of County and City Employees.