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## Local Government Committee

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### HB 1161

**Brief Description:** Concerning county auditors.

**Sponsors:** Representatives Appleton, Griffey, Gregerson and Hayes.

#### Brief Summary of Bill

- Modifies requirements related to the annual statement of capitalized assets that must be filed by a board of county commissioners with the county auditor, and removes the requirement that the annual statement be filed every March.
- Repeals a statute governing payment of compensation to a member of a board of county commissioners for per diem and other expenses incurred as a commissioner.
- Provides that the clerk of a county legislative authority, rather than the county auditor, is responsible for advertising bid proposals when bids are required for the official county newspaper.
- Eliminates a requirement that county election officials publish notice in a newspaper within 15 days after election results are certified to declare that a regional fire protection service authority has been formed.
- Removes the requirement that a coroner create a duplicate inventory list of the personal property of a deceased person.
- Modifies provisions governing county air pollution control authorities.

**Hearing Date:** 1/17/17

**Staff:** Desiree Omli (786-7383).

**Background:**

Annual Inventory Statement of the County.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The board of commissioners (board) in each county must prepare an annual statement that shows, for the 12-month period ending December 31 of the preceding year, the following:

- a full and complete inventory of all capitalized assets, segregated into specified subheadings regarding assets on hand, equipment sold or disposed of, and equipment purchased; and
- persons who were paid money, the reason for payment, and the date of payment.

The statement must be filed with the county auditor each year on the first Monday in March and made open to the public for inspection.

Any commissioner who fails to file the annual statement, willfully makes a false or incorrect statement, or aids or abets the making of a false or incorrect statement is guilty of a gross misdemeanor. The prosecuting attorney is directed in statute to take appropriate action to prosecute violations and remove commissioners from office who commit this crime. Taxpayers are authorized to institute actions in conjunction with, or independent of, the action of the prosecuting attorney.

Other statutes provide that, in general, every public officer who knowingly makes a false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, is guilty of a gross misdemeanor. Similarly, every public officer authorized to make or give a certificate or other writing, who knowingly makes and delivers a certificate or writing that contains a statement he or she knows to be false, is guilty of a gross misdemeanor. In addition, a public officer who willfully neglects to perform a duty imposed upon him or her by law is guilty of a misdemeanor.

#### County Commissioners – Compensation.

If a member of a board has a claim for compensation (*e.g.*, per diem, expenses for attendance at a special session, extra services, or other expenses), he or she must:

- verify the claim;
- obtain approval for the claim from a majority of the board;
- file the claim with the clerk of the superior court; and
- obtain approval for the claim from the superior court judge.

The court is not required to review claims more than once a month. The judge may investigate, as necessary, to determine the correctness of the claim. After an investigation, the judge may approve or reject any part of the claim, and if approved, in whole or in part, the claim is certified by the clerk and sent to the county auditor. The county auditor then draws a warrant for the claim.

Another statute provides that, unless otherwise authorized by law, the legislative body of a municipal corporation may, by ordinance or resolution, prescribe the amounts to be paid to officers and employees as reimbursement:

- for the use of personal automobiles or other transportation equipment in connection with official assigned duties and other travel for approved public purposes; or
- in lieu of actual expenses incurred for lodging, meals, or other purposes.

Claims for expenditures by officers or employees of any municipal corporation must be presented in a detailed account, certified by the officer or employee, and submitted on forms and in a manner prescribed by the State Auditor.

#### The Official County Newspaper.

All counties must publish legal notices and delinquent tax lists in an official county newspaper designated by the county legislative authority. Annually, the county legislative authority must contract with a qualified legal newspaper that will serve as the official county newspaper for a term of one year.

If there are two or more qualified legal newspapers, the county auditor must advertise for bid proposals at least five weeks before the meeting at which the contract will be let. Advertisement of the opportunity to bid must be mailed to all qualified legal newspapers and published once in the official county newspaper.

#### Regional Fire Protection Service Authorities – Newspaper Publication.

Regional fire protection service authorities (RFPSAs) are municipal corporations created for the purpose of conducting selected fire protection functions at a regional level. Regional fire protection service authorities are formed by transferring the powers, duties, and functions of two or more adjacent fire protection jurisdictions (*e.g.*, fire protection districts, cities, port districts, and Indian tribes) to the RFPSAs, in accordance with a regional fire protection service authority plan that must be approved by a vote of the people.

If a plan is approved by voters, the RFPSAs is formed on the next January 1 or July 1, whichever occurs first. The appropriate county election officials must publish notice in a newspaper or newspapers of general circulation declaring the authority formed within 15 days after final certification of the election results.

#### County Coroner – Deceased's Property.

In general, county coroners are responsible for investigating the death of any person whose death was unnatural or violent, resulted from unlawful means or suspicious circumstances, or may have occurred through suicide or the instrumentality of some other person. Whenever a coroner assumes jurisdiction over deceased persons, the deceased may be removed and placed in the morgue, in accordance with rules adopted by the coroner with the approval of the board of county commissioners.

When the coroner, or his or her assistants, finds any jewelry, money, paper, and other personal property of the deceased, duplicate lists of the found items must be made immediately. The original list must be kept as a public record at the morgue, and the duplicate must be certified by the coroner and filed with the county auditor.

#### County Air Pollution Control Authority – City Selection Committee Appointments.

There is an air pollution control authority (authority), either activated or inactive, in each county. The legislative authority of a county may activate an authority following a public hearing on its

own motion, or upon the filing of a petition signed by 100 property owners in the county. Each authority is governed by a board of directors.

In each county there is also a city selection committee (committee) for an authority, consisting of the mayors of each incorporated city and town within the county, except any mayor already appointed to the board. The committee must meet within one month after activation of the authority for the purpose of making initial appointments to the board of directors, and for making succeeding appointments when necessary. Meetings of the committee may be held upon advance written notice given by the county auditor to members, or upon the request of any member. Notice of meetings must also be published in a newspaper of general circulation in the authority. The county auditor is the recording officer, maintains records, and gives notice of proceedings and actions of the committee.

As an alternative to meeting, the county auditor may administer the appointment process through the mail. For appointments conducted through the mail, requests for nominations, receipt of nominations, mailing of ballots, and receipt of returned ballots are handled by the county auditor. The timely return of completed ballots by a majority of the members of the committee constitutes a quorum, and an affirmative vote by a majority of the quorum constitutes a valid appointment.

### **Summary of Bill:**

#### Annual Inventory Statement of the County.

Provisions governing the annual statement of capitalized assets prepared by the board of county commissioners are modified as follows:

- The requirement that the statement be filed on the first Monday of March each year is eliminated.
- Statutory language requiring the inventories to be made open for public inspection is eliminated.
- Additional content requirements for the statement, including the requirement to include segregated subheadings, are eliminated.
- Statutory language related to false or incorrect statements contained in the annual statement are eliminated, including provisions providing that any commissioner who fails to file the annual statement, willfully makes a false or incorrect statement, or aids or abets the making of a false or incorrect statement is guilty of a gross misdemeanor, provisions requiring the prosecuting attorney to prosecute violations, and provisions authorizing taxpayers to institute similar actions.

#### County Commissioners – Compensation.

Statutory provisions requiring any member of a board that has a claim for compensation (*e.g.*, per diem, expenses for attendance at a special session, extra services, or other expenses), to obtain approval for the claim from both the board and a superior court judge are eliminated.

#### The Official County Newspaper.

Instead of the county auditor, the clerk of the county legislative authority is given responsibility for advertising for bid proposals when there are two or more qualified legal newspapers available to serve as the official county newspaper.

Regional Fire Protection Service Authorities – Newspaper Publication.

When a regional fire protection service authority (RFPSAs) plan is approved by voters, and the election results are certified, the RFPSA is formed on the next January 1 or July 1, whichever date occurs first. The requirement that county election officials publish notice in a newspaper or newspapers of general circulation within 15 days after final certification of the election results declaring the RFPSA formed is eliminated.

County Coroner – Deceased's Property.

When the coroner, or his or her appointees, take custody of any jewelry, money, paper, and other personal property of a deceased, the coroner is no longer required to create duplicate lists of the items and file the duplicate with the county auditor. The coroner is now required to make one list, certify it, and keep it as a public record at the county morgue.

County Air Pollution Control Authority – City Selection Committee Appointments.

For city selection committees (committees) convened for purposes of making appointments to the board of a county pollution control authority, the authority, rather than the county auditor, is responsible for:

- acting as the recording officer;
- maintaining the committee's records; and
- giving notice of proceedings and actions of the committee.

If the appointment process is administered by mail, the authority, rather than the county auditor, is responsible for the administration of the appointment process through mail including:

- mailing ballots by certified mail to each of the members of the city selection committee; and
- receiving signed ballots for appointments.

Additionally, a process for filling unexpected vacancies on the board of a county pollution control authority via mail is provided.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.