

Washington State



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**Senate Committee
SERVICES**

SENATE COMMITTEE SERVICES

**2000 INTERIM WORK
PLAN AND ACTIVITIES**



March 15, 2000

TO: Washington State Senators and Other Interested Persons

FROM: Stan Pynch, Director
Senate Committee Services

SUBJECT: Senate Committee Services 2000 Interim Work Plan and Activities

We are pleased to provide this 2000 Interim Work Plan and Activities for your reference in the months preceding the 2001 legislative session.

The interim work plan is a public planning document containing the major agenda issues that the Chair of each committee currently plans to consider during the next legislative session. It is being used to guide staff in conducting research for the major agenda items over the interim and in planning related interim committee activities and hearings. Please consider this interim work plan within that context. It is not intended to include all of the projects, issues, and research that are of interest to each member of the Senate. Consequently, it does not include all of the work activities of Senate Committee Services staff in responding to those more diverse interests and requests. In that light, we trust you will find this work plan useful in monitoring the committee's work during the interim.

If you have other requests or questions, or need assistance on any issue, please don't hesitate to call on us.

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Agriculture & Rural Economic Development

786-7411

Issue: Riparian Habitat for Fish on Agricultural, Suburban Lands and Rural Lands

Background:

Various states have entered into a cooperative agreement with the United States Department of Agriculture (USDA) to establish a voluntary program to restore riparian habitat along fish bearing streams. This program is commonly known as the Conservation Reserve Enhancement Program (CREP).

Three years ago, the state of Washington and the USDA entered into an agreement to initiate a program in Washington State. State and federal agencies developed the criteria and have offered the program to owners of agricultural lands. The rate of participation has been much lower than expected. There exists no state law regarding criteria for participation.

To make the program workable for farmers and yet supportable by federal fishery agencies, the Agriculture, Fish and Water (AFW) process was initiated last fall and is currently ongoing. The AFW process includes representatives from county, state and federal agencies, tribal governments, and environmental and agricultural organizations.

One major effort of this negotiation process is to explore what a farmer would have to do in order to have an individual farm determined to be safe from potential legal jeopardy under the federal Endangered Species Act and federal Clean Water Act. A major component would be the buffers adjacent to the stream to serve as riparian habitat. In addition, a number of counties have initiated work to develop programs to restore riparian habitat adjacent to streams containing listed fish species. Further, regional fish enhancement groups also are engaged in riparian habitat restoration programs along streams containing listed fish species. The objectives of these programs are similar to those of the Conservation Reserve Enhancement Program.

Questions to Explore:

1. To what extent do proposed county programs and riparian restoration efforts conducted by regional fish enhancement groups contain similar criteria and meet the same objectives as the Conservation Reserve Enhancement Program?
2. Do county programs make a distinction between protecting (not making worse) riparian areas and restoring (making better than today) riparian areas?
3. To what extent are county programs and activities of regional fish enhancement groups available to protect or restore stream banks in agricultural areas?

4. Are the same programs and requirements also available or applied to non-agricultural lands in rural, suburban or urban areas? If there are different requirements, what is the rationale for the difference?
5. How do program elements such as definition of stream, and treatment of dikes, levies and drainage ditches compare? Will proposed programs adversely affect the functions and protections provided by dikes, levies and drainage ditches?
6. What is the level of participation in the various programs and what factors result in a greater level of participation?
7. In establishing and maintaining trees and shrubs in riparian areas, what is the per acre cost and what drives these costs?
8. What are the options for controlling vegetation that competes with new shrub and tree planting? What is the cost of each option?
9. What are the number and mix of trees and shrubs required, and what is the rationale for this requirement?
10. What is the length of commitment for agricultural lands enrolled into each of the various types of riparian restoration programs? What happens to enrolled lands after the commitment ends?
11. What legislation and/or funding are needed to implement a consensus reached on this component of the AFW process? Will legislation be needed if the agencies and interest groups fail to reach full agreement?

Research and Analysis:

Various county programs and riparian restoration efforts of regional fish enhancement groups will be compared with the Conservation Reserve Enhancement Program. Copies of the proposed and/or adopted ordinances and program criteria will be obtained and their characteristics compared. The meetings of the Agriculture, Fish and Water group will be monitored to see whether an agreement on program direction is attained prior to the 2001 legislative session. Additionally, in early December, the committee will receive a report on progress that has been made by the AFW process.

Issue: Ergonomic Regulation

Background:

Performing some jobs can cause musculoskeletal disorders, especially if the job involves heavy lifting or continuous motions for which the body is not well suited. Ergonomics involves designing methods of working to reduce the incidence of such problems.

It is estimated that about 50,000 claims related to musculoskeletal injuries are filed each year with the Department of Labor and Industries and comprise about \$340 million in wage loss and medical treatment payments by the department. This category is the largest single type of injury.

In response, the Department of Labor and Industries has proposed new rules regulating ergonomics in the workplace, including jobs in agriculture. Many agriculturally related jobs

that involve heavy lifting or continuous motions have been performed for many years in much the same way. These jobs would now be subject to these new rules which have been written to cover all types of employment.

Questions to Explore:

1. What impact will the new rules have on agricultural employers and workers?
2. How long do agricultural employers have until they would be required to comply with the new rules?
3. What would the new rules require to be changed?
4. What is already being done to accommodate ergonomic needs in agriculture?
5. What problems have agricultural workers experienced that could be helped through implementation of ergonomic principles?
6. What is the estimated number of claims by agricultural workers for musculoskeletal disorders? To what extent would new requirements reduce injury to agricultural workers? To what extent would a reduced rate of injury decrease worker compensation insurance rates?
7. What flexibility will agricultural employers and employees have in determining how to implement the new rules?
8. What effect will the new rules have on the ability to utilize full time employees as compared to part time employees for jobs that exceed recommended daily activity rates?
9. Do the proposed rules single-out or otherwise place agricultural employers at a disadvantage as compared to other industries?
10. To what extent is the communication between the Department of Labor and Industries and associations that represent agricultural employers to accurately inform employers of the requirements and the time-frames be in compliance with the proposed new rules? What communication is to occur with employees?
11. What effect will the new rules have on the availability of employment opportunities for agricultural workers?
12. What models have other states followed in this arena and has the approach been successful?

Research and Analysis:

Committee staff will study and analyze the proposed ergonomic rules and the current situation of workers in agriculture who would be affected by the rules. Staff will collect information on similar efforts in other states. Staff will attend workshops and hearings to become informed about how the proposed rules will address current problems, and whether issues and concerns of the agricultural employers and employees are being successfully addressed.

Committee Activities:

Possible tour of agricultural job sites and a presentation on the types of changes that would be needed to satisfy the proposed new requirements. Attend workshops on the proposed new rules to gain an understanding of the effects on agricultural employers and workers.

Issue: Organic Food Certification

Background:

Since first enacting organic food certification laws in 1985, Washington has been a leader in organic food certification. Many other states have also enacted organic food certification regulations. As required in recent federal legislation, the federal government has proposed new federal organic food certification rules. These rules will interact with Washington State's existing regulations. Previous federal proposals have met with considerable controversy but recently proposed rules have been met with a much higher degree of support across the nation.

Questions to Explore:

1. What is the current status of Washington's organic food certification program?
2. How do Washington's regulations mesh with the proposed federal regulations?
3. What aspects of the federal regulations may be appropriate for Washington to adopt?
4. How do federal organic food regulations treat issues such as genetically modified organisms, irradiated foods and use of municipal sludge? Are state laws and regulations consistent with federal regulations on these issues?
5. What are the advantages to Washington becoming a certifying agent for the federal program, or continuing to operate its own organic program?

Research and Analysis:

Committee staff will collect, review, and analyze information on the proposed federal organic food rules. This will include the reactions and comments of groups interested and affected by the new rules. The rules will be reviewed to identify their applicability and effects on Washington's current organic food laws. Staff will also analyze new aspects of agriculture affecting organic food certification. Committee staff will coordinate efforts and information with the Department of Agriculture in gaining input and perspective. Staff will prepare a preliminary report for the committee as an overview of the federal rules and issues surrounding them.

Committee Activities:

Consideration of the preliminary overview and ongoing research will prompt input and discussion of concerns and options for possible legislation. A tour of an organic farming operation is likely to gain an understanding of the similarities and differences between organic and conventional farming. The committee will likely receive an update at the September or December Committee Assembly.

Issue: Irrigation District Operations and Practices

Background:

A major initiative of the Agricultural, Fish and Water process is the development of acceptable ways for agriculture served by irrigation districts in order to operate in a manner

that is safe from potential legal jeopardy under the federal Endangered Species Act (ESA) and the federal Clean Water Act (CWA).

About two-thirds of the 1.5 million acres of irrigated land in the state of Washington are provided water from federal reclamation projects. Under the ESA, the operations of these federal projects are subject to the consultation requirements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Also, irrigation return flows from irrigation drainage systems enter state water courses that are subject to water quality standards that include turbidity and temperature parameters.

In addition to being subject to possible enforcement actions by federal agencies, entities not in compliance with the requirements of the ESA or the CWA are vulnerable to citizen lawsuits. Most of the water courses in the state are streams or rivers through which listed salmonids spend a portion of their life cycle, or they are a CWA listed water body that does not meet water quality standards.

This component of the Agriculture, Fish and Water negotiations process includes a number of state and federal agencies, tribal, environmental, and irrigation district representatives. The purpose of the discussion is to find workable solutions that improve fish habitat and water quality while allowing continued production of agricultural commodities.

Research and Analysis:

1. Will implementation of agreements reached through the irrigation district component of the AFW process require the modification or enactment of any state statutes?
2. Will new programs need to be implemented to accomplish the desired objectives? What agency or entity would be responsible for administering the new program?
3. What role will irrigation districts play and is their current statutory authority sufficient to cover the new responsibilities?
4. Will funding be required? What is the appropriate level of contribution by farmers, irrigation districts, and involved state and federal agencies?
5. Is substantial progress being made? Will further discussions be productive and necessary? Should a request for additional state funds be made for continuation of the process and under what conditions?

Committee Activities:

The committee will request an update in early December on the progress being made on the irrigation district component. Staff will attend the periodic meetings and report to committee members on the substance and progress being made.

Commerce, Trade, Housing & Financial Institutions

786-7408

Issue: Protecting Consumer Privacy Interests

Background:

Rapidly advancing information technology, restructuring of the financial services industry, and the growing thirst of business for personal information about their customers and hoped-for customers combine to pose great threats to legitimate privacy interests of individuals and families. Legislation designed to provide some protection for consumers and to give them some control over their personal information did not pass. This legislation was developed and requested by the Attorney General. Similar legislation was introduced in 40 other states, none of which passed.

Questions to Explore:

1. What are the consumers interests to be protected? Protection from identity theft? Security of financial assets? Security of potentially embarrassing information? Damage to reputation, including credit rating? Freedom from commercial profiling that determines access and eligibility for various products, services and opportunities? The right to be left alone?
2. How can consumer interests and commercial interests be balanced so that the advantages of information technology be obtained without undue threats to privacy?
3. What are the biggest problems faced by the victims of identity theft, and how can the law help them recover and minimize the damage?
4. What are the unique problems of the insurance industry and national retailers that makes compliance with this type of legislation difficult for them compared to other businesses?
5. How do rules adopted by federal agencies in coming months under the authority of the Financial Modernization Act of 1999 impact state initiatives?

Research and Analysis:

1. Enlist the help of the Office of the Insurance Commissioner and the National Association of Insurance Commissioners in evaluating the impact of privacy legislation on insurers.
2. Conduct informal meetings with representatives of major commercial groups— insurance, retailers, financial institutions and electronic commerce interests to try to perfect last year's bill or develop another approach.
3. Survey the bills introduced in other states.

Committee Meetings:

Report on progress at the December Committee Assembly.

Issue: Should the Private Activity Bond Cap Allocation Be Readjusted?

Background:

Under the federal Tax Reforms Act of 1986 states are limited in the dollar amount of certain tax exempt bonds they can issue. Purchasers of "tax exempt bonds" do not have to pay federal income tax on the interest paid to them by the bond issuer. As a result, investors are willing to purchase these bonds at a lower interest rate than "taxable bonds."

The amount of bonds that any state can issue is a finite dollar limit based on population. Within this total amount states are free to allocate, by state law, bond issuing authority to various types of issuers (e.g., housing projects, student loans, public utility projects, and small issuers such as special purpose districts). Currently, bonds for housing projects are allocated 35 percent of the total, but could use much more. Other categories (e.g., port districts, sometimes don't use all of their allocation). Housing needs are steady. Port districts, and some other issuers, have significant tax exempt bond issuing needs, but they are sporadic.

Questions to Explore:

1. Should the state allocation of private activity tax exempt bonding authority be revised?
2. Is there a better way to balance the steady and consistent needs of housing programs, with the infrequent but occasionally large capital investment needs of other issuers?

Research and Analysis:

1. Review past bond issuing levels of various issuers over the past several years.
2. Obtain projections of tax exempt debt for the next 2-5 years from various types of issuers.
3. Identify factors that could significantly change bond allocation needs over past patterns.
4. Explore various formulas for allocation and re-allocation that more accurately reflect needs of the issuers.
5. Prepare legislation based on research findings and on the recommendations of the work group described below.

Committee Activities:

A working group of stakeholders has met with the Committee Chair and Ranking Minority Member. It is anticipated that this work group will meet with interested committee members two or three times during the interim.

Issue: Home Warranties in Washington

Background:

Washington law provides very limited warranties for home construction. Many home buyers are unaware that new home warranties may be limited. Some home buyers have suffered significant financial losses resulting from defects in the construction of their new homes. Workgroup meetings were held throughout the 1999 interim to discuss issues regarding home warranties and other contractor issues. No consensus was reached among the

workgroup participants. A substitute bill received a "do pass" recommendation from the Senate Commerce, Trade, Housing & Financial Institutions Committee. However, this bill did not pass the Senate.

Questions to Explore:

1. Should home warranties be expanded in Washington?
2. If home warranties should be expanded, what additional warranties should apply?
3. Should warranties for single-family and multi-family homes be the same or different?
4. How long should these warranties apply?
5. Can the warranties be waived?
6. Do these warranties continue after the sale of a home by the initial home buyer?
7. If home warranties are expanded, should a method be in place to protect home buyers with warranty claims against insolvent builders?

Research and Analysis:

1. Form a small workgroup of legislators and interested stakeholders to discuss the issues.
2. Research and analyze additional issues raised by the workgroup.
3. Draft legislative proposals as desired by the workgroup.

Committee Meetings:

1. One meeting of the Senate Commerce, Trade, Housing & Financial Institutions Committee to review the workgroup's findings and consider options for possible legislation.
2. Other Meetings: The workgroup will meet two to three times during the 2000 interim.

Issue: Assigned Risk Plan to Assist Low-income Persons to Obtain the Mandatory Minimum Motor Vehicle Insurance.

Background:

The Legislature has recognized that uninsured drivers are a threat to the people of this state. In order to alleviate the threat, the law requires that all persons driving vehicles registered in this state must be insured under a motor vehicle liability policy with certain minimum limits or maintain certain other financial security. Concern has been expressed that low-income persons may not have the financial ability to purchase the mandatory motor vehicle insurance and yet may find it necessary to drive for work, in emergencies, and other situations where public transportation is not easily available.

Subject/Questions to Explore:

1. How effective is the mandatory minimum motor vehicle insurance?
2. What methods are available to reduce the number of uninsured drivers?
3. Would establishing an assigned risk plan to assist low-income persons to obtain the mandatory minimum motor vehicle insurance help to avoid the risks associated with uninsured drivers?
4. How would an assigned risk plan be established?
5. Who should be eligible for assistance under an assigned risk plan?

6. What would be the best method to provide funding for an assigned risk plan?
7. Should a person cited for failure to provide proof of insurance be allowed to have the citation dismissed after providing a court with evidence of having obtained the mandatory minimum motor vehicle insurance?

Research and Analysis:

1. Research other states' laws on mandatory minimum motor vehicle insurance.
2. Gather information about effectiveness of mandatory minimum motor vehicle insurance.
3. Form a work group for a series of meetings to discuss the issues.
4. Draft legislative proposals as desired by the work group.

Committee Meetings:

1. One meeting of the Senate Commerce, Trade, Housing and Financial Institutions Committee to review the workgroup's findings and consider options for possible legislation.
2. Other meetings: The workgroup will meet two to three times during the 2000 interim.

Issue: Local Authority Over Planning and Zoning of Social Card Rooms

Background:

Last interim, the Senate Commerce, Trade, Housing & Financial Institutions Committee held four work sessions on gambling in Washington. These work sessions covered topics such as Internet gaming, charitable and nonprofit gaming, social card rooms, Lottery, problem and pathological gambling, tribal gaming, and horse racing.

During the work session on social card rooms, the committees heard testimony about what local authority exists over social card rooms. Current law allows local jurisdictions to impose a total prohibition on all gambling in their jurisdictions (including social card rooms). However, the gambling statutes preempt local jurisdictions from licensing and regulating gambling activities, and give this authority exclusively to the Gambling Commission. During the work session it became apparent that there is not agreement about whether the state's preemption of licensing and regulation of gambling activities applies to a local jurisdiction's ability to plan and zone social card rooms.

Last session local jurisdictions and the social card room industry proposed two bills concerning planning and zoning authority. Senate Bill 6422 related to local planning and zoning of social card room activities, while Engrossed House Bill 2946 related to local planning and zoning authority of all gambling activities. Many local jurisdictions want to clarify all planning and zoning authority for all gambling activities, while others believe that planning and zoning authority only needs to be clarified as it pertains to social card rooms. In addition, some believe that local jurisdictions already have planning and zoning authority and that these powers need no clarification.

Questions to Explore:

1. What are the state laws and case laws applicable to local planning and zoning of social card rooms or other gambling activities?
2. What are the local laws applicable to local planning and zoning of social card rooms and other gambling activities?

Research and Analysis:

1. Gather, review, analyze, and summarize state and local laws relating to planning and zoning of commercial establishments offering gambling activities.
2. Conduct hearings with representatives of the industry and local jurisdictions to consider whether legislation is needed to clarify this authority, and if it is needed whether it will apply to social card rooms or to all gambling activities.
3. Draft legislative proposals as desired by the group.

Committee Meetings:

During the interim there will be hearings addressing this issue. The number of hearings and location has not been determined.

Issue: Problem and Pathological Gambling**Background:**

Last interim, the Senate Commerce, Trade, Housing & Financial Institutions Committee held four work sessions on gambling in Washington. These work sessions covered topics such as Internet gaming, charitable and nonprofit gaming, social card rooms, Lottery, problem and pathological gambling, tribal gaming, and horse racing.

During the work session on problem gambling, the Washington State Council on Problem Gambling testified that many problem and pathological gamblers have co-existing mental health and physical health issues. Forty to sixty percent of pathological gamblers also meet diagnostic criteria for alcohol dependence. In addition, 20 percent to 30 percent of people who are in an alcohol treatment facility meet the diagnostic criteria for pathological gambling. Many believe that existing state treatment programs could be used to train and make available more professionals skilled to help problem and pathological gamblers. The Council also testified that insurance companies, health maintenance organizations, and managed care plans could offer coverage or benefits for problem and pathological gambling.

This interim the committee will explore problem and pathological gambling treatment options using existing provider networks. The committee will also study other methods of helping problem gamblers. These include self-exclusion policies where a problem or pathological gambler agrees to exclude himself or herself from gambling establishments, and studying industry standards and policies for helping problem and pathological gamblers.

Questions to Explore:

1. What are the state and federally funded treatment programs for chemical dependency? Do these programs have staff trained to help problem and pathological gamblers? Should these treatment programs have staff to help problem and pathological gamblers? What are the costs and benefits of having staff who are trained to treat problem and pathological gamblers?
2. What steps does the industry need to take to address problem and pathological gambling? What standards and industry practices have been developed to address problem and pathological gambling?
3. What states have laws or policies on self exclusion from gambling establishments? What are the experiences of other states implementing self exclusion policies?
4. Has the industry trained employees to recognize problem and pathological gambling? Do gaming establishments provide special problem and pathological treatment programs for employees?

Research and Analysis:

1. Review and understand state and federally funded chemical dependency treatment programs.
2. Conduct work sessions with treatment providers, industry representatives, problem and pathological gamblers, and the Council on Problem Gambling to gather information about whether existing treatment programs can help in the treatment of problem and pathological gambling.
3. Find out if insurance companies, health maintenance organizations, and managed care plans provide coverage or benefits for problem and pathological gamblers. What is the coverage or benefit provided? If companies provide benefits or coverage, what are the costs and benefits of providing the coverage/benefit?
4. Gather, review, and analyze other states' laws regarding self exclusion policies.
5. Gather information about what steps the industry has taken to address problem and pathological gambling.

Committee Meeting:

During the interim there will be hearings addressing this issue. The number of hearings and location has not been determined.

Issue: Protocols for Legislative Participation in Executive Agency Trade Missions

Background:

Trade missions are seen as an effective way of forging links that can expand trade opportunities for Washington businesses. Trade missions have usually been a joint effort between an executive branch agency and legislators and other elected officials. Procedures, methods, and protocols need to be developed to avoid confusion of roles and to maximize the effectiveness of trade missions.

Subject/Questions to Explore:

1. What are the current procedures for trade missions?
2. How and when should notice be given to legislators regarding the trade mission?
3. What procedures should be used to develop trade mission objectives?
4. What procedures should be followed to develop the trade mission itinerary?
5. What shall the criteria be for legislative participation?
6. What procedure should be used to designate a legislative leader for each mission?
7. How will the designated leader work with agency staff to ensure an understanding of responsibilities?

Research and Analysis:

1. Determine current procedures and strategies.
2. Gather information about past trade missions.
3. Form a work group for a series of meetings to discuss the issues.
4. Draft legislative proposals as desired by the work group.

Committee Meetings:

1. One meeting of the Senate Commerce, Trade, Housing and Financial Institutions Committee to review the workgroup's findings and consider options for possible legislation.
2. Other meetings: The workgroup will meet two times during the 2000 interim.

Education

786-7420

Issue: Continuing Support for Education Reform

Background:

In 1992, the Washington Legislature began defining education reform for Washington State. The Legislature established four state learning goals and created the Commission on Student Learning to identify academic standards based on the state learning goals and to develop a student assessment system to determine whether students had achieved the academic standards. After the State Board of Education determines that the high school student assessment system is sufficiently reliable and valid, then successful completion of the high school assessment will lead to a Certificate of Mastery. The Certificate of Mastery will be required for graduation but will not be the only requirement for graduation.

Questions to Explore:

What is the process for determining whether the high school assessment is reliable and valid? What resources will the State Board of Education need to determine whether the assessment is reliable and valid? What do parents, educators, students and others think is necessary to help students successfully complete the high school assessment and obtain a Certificate of Mastery?

Research and Analysis:

Consult with the State Board of Education regarding the resources necessary to determine whether the high school assessment of the Washington Assessment of Student Learning (WASL) is reliable and valid. Consult with the Superintendent of Public Instruction and the Academic Achievement and Accountability Commission to determine how their activities are being coordinated with the State Board of Education. Visit schools where students are successfully completing the WASL to find out what those schools are doing. Convene focus groups of parents, teachers, students and others to get input on what steps the state can take to help students obtain a Certificate of Mastery. Identify issues, develop policy options and draft legislation as needed.

Issue: Small Schools

Background:

During this century, the size of schools has grown tremendously, particularly in urban areas. Nationwide since World War II, the number of schools declined 70 percent, while the average size of school grew 500 percent. More than one in four secondary schools nationwide enrolls over 1,000 students, and enrollments of 2,000 and 3,000 are not uncommon. Part of the rationale provided for large schools was that bigger meant more economies of scale, a more diverse curriculum, and more extracurricular opportunities. Recently, there has been a trend nationwide and in Washington State toward smaller class

sizes. This trend has generated questions about possible benefits of moving toward smaller schools.

Questions to Explore:

What are the current school sizes in Washington? Is there an optimum school size? What is a small school? What advantages can small schools provide students, teachers, administrators, and parents? How are curriculum and instruction impacted by small schools? What is the impact of small schools on student academic achievement, student behavior, school safety, governance and cost issues? How do the characteristics and practices of "effective schools" research relate to small schools? Does the size of the school impact educational equity? If small schools offer benefits then is reducing the size of a school enough or must other changes take place to facilitate benefits? How can school districts better utilize the existing large school buildings? Do schools-within-a-school provide the same benefits of a small school facility? Are there differences by grade level? What are the incentives and disincentives towards forming small schools? What are some of the private sector efforts supporting small schools?

Research and Analysis:

Collect, review and summarize the available relevant educational research literature and studies on the advantages and disadvantages of small schools. Visit successful, small schools and conduct focus groups to obtain parents', students' and educators' views on the benefits of small schools. Meet with private foundations providing support for small schools. Identify issues, develop policy options and draft legislation as needed.

Issue: Educational Technology

Background:

For Washington's students to have a chance of participating successfully in our growing knowledge-based economy, our schools need to do an excellent job of preparing students for a technology-rich world and workplace. Ignoring technology or poor use of these resources leaves our children, and our state, behind. Educational technology is an important tool that can enhance the learning process. Research has shown potential advantages of enhancing program delivery using educational technologies. However, effective utilization of educational technologies requires considerable financial commitment. Additionally, technology must be viewed as a consumable resource with a high rate of depreciation.

Questions to Explore:

What is the ratio of students to personal computers in Washington schools? What are some of the innovative ways Washington educators are using technology to enhance education? What are successful models for training educators in the use of technology, and what makes the models successful? What have universities done (or not done) to impact the direction and quality of professional development in preparing teachers for

classrooms that are becoming increasingly rich in technologies? What are some of the private sector efforts supporting educational technology including training educators in the use of technology and using on-line programs for specific curriculum (Advance Placement and history)? How do other states provide on-going upgrades to educational technology? Where are the gaps in access to technology in enhancing education? What impact has the K-20 network made in the use of technology?

Research and Analysis:

Collect, review, and analyze relevant research focusing on state-level efforts in educational technology use, training and upgrading. Determine the level of access to educational technology for Washington's teachers and students. Visit Washington schools that are successfully using educational technology to enhance teaching and learning. Meet with private foundations providing support and training in educational technology programs for students and teachers. Identify issues, develop policy options and draft legislation as needed.

Committee Activities:

- Visit several school sites
- September Legislative Assembly
- December Legislative Assembly

Energy, Technology & Telecommunications

786-7455

Issue: Telecommunications Truth-In-Advertising

Background:

The number of consumer complaints regarding long-distance advertising and marketing by telecommunications carriers has grown significantly in the past few years, to the point where both Washington Utilities & Transportation Commission (WUTC) and the Attorney General's Consumer Protection Division identify the issue as one of their top complaint categories.

The Federal Communications Commission (FCC), the Federal Trade Commission (FTC), and a number of state Attorneys General and state utilities commissions have all been exploring various options to protect consumers from unfair and deceptive advertising and marketing practices by telecommunications carriers. Legislation requiring specific disclosures related to long-distance telecommunications calling plans was considered during the 2000 session but did not pass (SB 6367).

On March 1, 2000, the FCC and FTC issued a joint policy statement on deceptive advertising and marketing of long-distance services. The statement offers guidance to carriers to ensure their advertising is truthful, complete, and not misleading. Additionally, it describes the kind of factors the FCC will consider in determining whether to bring enforcement action against carriers for deceptive advertising practices.

Questions to Explore:

1. To what extent, if any, are the FCC/FTC new advertising policy guidelines improving the clarity of advertisements for long-distance telecommunications services and reducing consumer complaints about unfair or deceptive marketing practices?
2. What self-regulatory solutions, if any, is the telecommunications industry implementing to improve the clarity of its advertisements for long-distance services and reduce consumer complaints about unfair or deceptive marketing practices?
3. What kinds of requirements has Washington previously enacted to curb unfair or deceptive marketing practices in other commercial sectors?

Research & Analysis:

Committee staff will compare the advertising guidelines issued as part of the FCC/FTC policy statement with the requirements of SB 6367 (telephone advertising clarity and disclosure). Staff will also research industry-initiated reform efforts, collect examples of advertising and marketing practices undertaken after March 1, 2000, and track the complaint levels at the FCC, the AG's office, and the WUTC. Staff will analyze the advertising/marketing statutes that the Washington Legislature has enacted for other commercial sectors to identify how comparable issues have been addressed for other industries.

Committee Meetings:

The committee will hold a work session in the fall to receive the results of the staff research and analysis and to take testimony from invited parties.

Issue: PUD/Rural Port District Telecommunications Authorities**Background:**

The 2000 Legislature passed SSB 6675 which expressly authorizes Public Utility Districts (PUDs) and rural Port Districts to construct and operate telecommunications facilities for the purpose of providing wholesale telecommunications services. Some concerns have been raised about how this new express statutory authority will affect existing or planned telecommunications projects undertaken pursuant to current implied authority. Additional concerns have been raised about possible technical or operational obstacles not contemplated or adequately addressed in the legislation that may impair a district's ability to utilize the new authority.

Questions to Explore:

1. What legal, technical, or operational issues, if any, need legislative clarification to enable Public Utility Districts and rural Port Districts to implement SSB 6675 and utilize the new authority as anticipated?
2. What additional telecommunications-related authorities, if any, are appropriate for the Legislature to expressly grant to PUDs and/or rural Port Districts in order to facilitate the broader or more expeditious deployment of telecommunications services to underserved customer classes or underserved areas of the state?

Research & Analysis:

Committee staff will review and analyze information collected by the Washington Public Utility Districts Association and the Washington Public Ports Association from their members regarding efforts to implement SSB 6675 and utilize the new authority. Staff will also monitor pending litigation and analyze any forthcoming decisions addressing the existing implied authority of PUDs to engage in various telecommunications activities. For comparative purposes, staff will research and analyze the express and implied telecommunications authority of PUDs in comparable states.

Committee Meetings/Tours:

A tour of one or more PUDs/Rural Port Districts planning or implementing a wholesale telecommunications operation will be organized in conjunction with the House Technology, Telecommunications & Energy Committee in the summer or fall.

Issue: The Use of Local Rights-of-Way by Telecommunications Providers

Background:

The federal Telecommunications Act of 1996 encourages states to make public rights-of-way available for telecommunications services. The act permits state and local governments to receive "fair and reasonable compensation" for their use. But it also forbids any state or local law that prohibits "the ability of any entity to provide . . . telecommunications service." In accordance with the federal act, the Washington Legislature recently passed ESSB 6676, a law relating to the use of city or town rights-of-way by telecommunications and cable television providers. The new law creates duties and procedures for permitting and relocation, wireless moratoriums, wireless fees, and the placement of additional conduit. Throughout the hearings on ESSB 6676, various parties raised concerns that the law should not discriminate among companies or competing technologies.

Questions to Explore:

1. Are some communities charging site-specific fees that effectively favor some technology over others?
2. Do some communities have permit requirements that effectively favor some technology over others?

Research and Analysis:

Committee staff will review and analyze survey information collected by the Association of Washington Cities and other interested parties concerning the application of ESSB 6676. The analysis will include the names of municipalities, the names and types of applicants seeking permits, the types of facilities involved, and the amount of any site-specific charges.

Committee Meetings:

The committee will hold a work session to hear testimony about some or all of these issues.

Issue: Telecommunications Universal Service

Background:

The goal of universal service is affordable residential telephone service. Washington currently funds universal service through various implicit funding mechanisms. However, the federal Telecommunications Act of 1996 requires states to develop explicit funding mechanisms. The Washington and Utilities and Transportation Commission (WUTC) has proposed a revised universal service program to meet this requirement, but it cannot be implemented without legislative approval. Since 1997, a number of bills have attempted to address the issue of universal service reform, but all have failed.

Questions to Explore:

1. How will recent FCC regulations affect the WUTC's proposed universal service program?

2. How does the amount of Washington's proposed universal service charge, the base to which the rate is applied, and the total size of the fund, compare to other states' universal service charges?
3. What alternatives are available for phasing in universal service fund charges in concert with access charge reform and federally-imposed price de-averaging?

Research and Analysis:

Committee staff will review and analyze the revisions to the federal universal service program and conduct a comparative analysis of the WUTC's proposed program with the programs being implemented in other states. Staff will also research alternatives for implementing universal service charges in phases that are connected to related regulatory changes.

Environmental Quality & Water Resources

786-7407

Issue: Oil Spill Prevention

Background:

On March 6, 2000, the United States Supreme Court ruled in U.S. v. Locke (commonly referred to as "the Intertanko decision") that several provisions of the state's oil pollution prevention regulations for oil tankers are preempted by federal law. The regulations struck down include crew training, accident reporting, navigation watch practices, and English language proficiency for deck officers.

The court also remanded eight other state issues to the federal district court for further analysis of the federal preemption issue. The district court is required to determine whether the additional regulations are necessary to meet specific and unique conditions that exist in our marine waters. The Supreme Court held that the savings clause of Oil Pollution Act of 1990 gives the state considerable latitude regarding oil spill "liabilities."

Questions to Explore:

1. Do the marine waters of Washington State pose special risks and unique conditions?
2. Do the conditions justify additional state standards that exceed, but do not conflict with, federal standards?
3. If additional standards are needed, what should those standards include?
4. Are the current statutory compensation, liability and financial responsibility provisions adequate to fully protect the state from oil spill damages?

Research and Analysis:

1. Review the state's regulations that the Supreme Court remanded to the federal district court.
2. Compile and review data regarding the risks and conditions in Washington's marine waters.
3. Analyze the options, consistent with the Supreme Court's decision, for improving oil spill prevention and liability measures for the marine waters.

Committee Meetings:

Several committee members are participants on the North Puget Sound Oil Spill Risk Management Panel. Panel meetings are scheduled on: April 13 & 14, May 17 & 18, and June 7 & 8.

Issue: Pipeline Safety

Background:

On June 10, 1999, a 16-inch diameter hazardous liquid pipeline ruptured and leaked approximately 277,000 gallons of gasoline into the Hanna and Whatcom Creeks in

Bellingham. The gasoline was ignited and caused a fireball that traveled approximately one and a half miles downstream from the pipeline failure location. Two children and a young man lost their lives as a result of the accident. Significant property and environmental damage also occurred. In response to this incident the Legislature passed the "Washington State Pipeline Safety Act" E2SHB 2420 (Chapter 191, Laws 2000).

Research and Analysis:

1. Analyze the proposed changes to federal law, and federal agency actions, allowing the state greater authority over hazardous liquid and natural gas pipelines and creating additional measures to improve pipeline safety.
2. Review the Washington and Utilities and Transportation Commission's efforts to develop and implement a comprehensive hazardous liquid pipeline safety program.
3. Follow the creation of a 13-member Citizens Committee on Pipeline Safety to advise governmental entities on pipeline safety and consider its recommendations.
4. Analyze the recommendations from the Washington State Patrol's evaluation of the capabilities of first responders.
5. Review the Municipal Research Council's model pipeline ordinances and franchise agreements.

Issue: Solid Waste Landfill Financial Assurances

Background:

State law requires a landfill disposal facility to establish a reserve account to cover the costs of closing the facility in accordance with state and federal law. The reserve account must be designed to ensure that there will be adequate revenue available by the projected date of closure.

A landfill maintained on private property for the sole use of the entity owning the landfill or a government operated landfill may be exempt from the reserve account requirement. An exemption may be granted if the entity provides another form of financial assurance, to the satisfaction of the Department of Ecology, that is adequate to comply with the closure requirements. An irrevocable letter of credit is an example of another form of financial assurance.

Questions to Explore:

1. How secure and sufficient are the currently authorized financial instruments to assure landfill closure?
2. How do financial instruments affect consumers' rates?

Research and Analysis:

1. Critically monitor and participate in the Department of Ecology's study of the financial mechanisms to assure landfill closure.
2. Evaluate the adequacy of existing landfill closure financial assurances.

Committee Meetings:

Conduct field visits to 304th Street landfill (Pierce County), Hawks Prairie landfill (Thurston County) and Cedar Hills landfill (King County).

Issue: Effective Incentives to Increase Recycling and Reduce Solid Waste Disposal**Background:**

The Waste Not Washington Act of 1989 established a policy framework for waste reduction, reuse and recycling that included setting a goal for the state to recycle 50 percent by 1995 and for the regulation of solid waste collection companies. The Washington Utilities and Transportation Commission (WUTC) sets rates for solid waste collection companies. These rates cover all costs of service and a guaranteed rate of return. Prior to the mid-1990s, solid waste collection companies bore the risk of marketing recycled materials, retaining revenue from positive sales or covering the costs for losses. Currently, 100 percent of the proceeds from the sale of recycled materials are passed back to the residential customers. The state's recycling rate reached a high of 39 percent in 1996 and declined to 33 percent in 1997.

Questions to Explore:

1. How should the state seek to increase recycling and decrease solid waste disposal?
2. How does the current solid waste regulatory and market environment in Washington affect recycling and waste disposal goals?
3. What characterizes effective incentive programs?
4. How do various incentive structures affect consumers, local governments and solid waste collection companies?

Research and Analysis:

1. Survey selected local jurisdictions and other states for regulatory and economic structures that contribute to successful waste management programs.
2. Evaluate alternative incentive programs for residential and commercial waste management, including to increase recycling and reduce disposal.
3. Evaluate the effects of various options on consumers' rates, program operation costs, and revenues and profits to solid waste collection companies.

Issue: Section 401 Clean Water Act Certification**Background:**

Section 404 of the federal Clean Water Act requires anyone placing dredged or fill material into waters of the United States must first receive authorization from the U.S. Army Corps of Engineers. Section 401 of the Act allows the state to ensure that proposed projects requiring a 404 permit will meet specific requirements of the Act. The scope of this

"certification" includes, but is not limited to, limits on toxic effluents, maintenance of beneficial uses, and that the operation of the project will meet state water quality standards and other aquatic resource protection regulations of the state.

Questions have been raised regarding Section 401 certifications issued by the Department of Ecology (DOE) for regional solid waste disposal facilities.

Questions to Explore:

1. What policies, practices and guidelines does DOE employ in issuing Section 401 certifications related to regional solid waste disposal facilities?
2. In researching and analyzing projects requiring a Section 401 certification, what coordination occurs among DOE, the permit applicant, and other federal, state and local regulatory agencies?

Research and Analysis:

Summarize DOE's policy and practice related to Section 401 certifications for regional solid waste disposal facilities.

Issue: Persistent Bioaccumulative Toxic Pollutants

Background:

The Environmental Protection Agency (EPA) and the Department of Ecology (DOE) have initiatives to eliminate the manufacture and release of persistent, bioaccumulative and toxic pollutants (PBT). These compounds pose risks because they are toxic, persist in ecosystems and accumulate in plant and animal tissues and up the food chain. Because these pollutants are capable of traveling long distances, transfer easily among various media (air, water, land) and may linger for generations, traditional, single-media approaches to controlling such compounds are ineffective.

In 1998, DOE held a conference on PBTs and conducted a series of meetings around the state in 1999. The agency is in the process of identifying options for pollution prevention strategies that will reduce and gradually eliminate the release of PBTs into the environment.

Questions to Explore:

1. How does DOE's PBT initiative compare with those proposed by Oregon and the EPA?
2. What can the department accomplish without rule or statute? What statutory changes are necessary?
3. What is the process for designating compounds as PBTs?

Research and Analysis:

1. Compare DOE's initiative with those proposed by Oregon and the EPA.
2. Identify the long-term funding needs for the department's initiative.

Committee Meetings:

Briefings by DOE and EPA Region 10 staff.

Issue: Wetland Mitigation

Background:

In 1997 and 1998, Washington adopted laws relating to aquatic resource mitigation and wetland mitigation banking. A mitigation bank is a site where wetlands are restored, created, enhanced, or preserved to provide compensatory mitigation in advance of authorized impacts to other wetlands. Mitigation means sequentially avoiding impacts, minimizing impacts, and compensating for any remaining unavoidable impacts. The Department of Ecology may approve the use of credits from a bank when: (1) the credits represent creation, restoration, or enhancement of like kind and in close proximity to estuarine wetlands; (2) there is no practical opportunity for on-site compensation; or (3) the use of the bank is environmentally preferable to on-site compensation.

Questions to Explore:

1. What is the appropriate size for a service area for off-site compensatory mitigation and the use of wetland mitigation bank credits?
2. Are there different roles for public and private wetland mitigation banks?
3. What are the long-term management needs of compensatory wetlands?
4. What is the value of small, "postage stamp," wetlands in urban areas?
5. What is the importance of "like kind" replacement and mitigation?

Research and Analysis:

1. Evaluate and recommend service area sizes.
2. Evaluate financial assurance provisions for long-term management of wetland mitigation banks and compensatory wetlands.

Committee Activities:

Field visits to wetland sites, including wetland mitigation banks and wetland sites subject to development impacts.

Issue: Public Water Supply

Background:

Many communities throughout the state are facing uncertainty regarding water supply. Some of the uncertainty is the result of growing demand on a limited resource that must meet both instream needs, such as fish, and out of stream needs, such as municipal and industrial uses. An additional source of uncertainty is a number of legal questions concerning the undeveloped portions of municipal water rights. At present, Washington is among the states that rely on a common law growing communities doctrine. Because the doctrine has not yet been fully interpreted by the courts, uncertainty remains over the ways

that municipalities can develop or change their water rights. Some states have adopted a statutory equivalent to growing communities' doctrine, keyed to relevant state land use and resource management laws.

Questions to Explore:

1. Should undeveloped municipal water rights remain valid indefinitely, pending growth?
2. Should undeveloped municipal water rights be available to other communities and be directed to population centers in a region, where local supply is inadequate?
3. What should be the scope of state and local authority over the use of municipal water rights?

Research and Analysis:

1. Analyze current Washington law on the nature and scope of municipal water rights.
2. Develop recommendations on any needed policy and requirements for exercise of municipal water rights.

Issue: Water Rights Flexibility

Background:

The state's relinquishment statute and common law abandonment both require forfeiture of unused water rights, with limited exceptions. Although the western water law doctrine of "use it or lose it" was intended to help assure availability of water by preventing speculation, it appears too inflexible for current needs. Most water users do not use the same quantity of water continually, depending on factors such as weather patterns and economic conditions. Increasingly, water users will also need to leave water instream at various times, for fish and other aquatic resources. There appears to be a need for more flexibility than currently allowed by state water law, to use more or less water at different times and to be able to share water with aquatic resources and with other water users, without forfeiture.

Questions to Explore:

1. How can the state preserve valid property rights to water, while promoting shared use of the resource?

Research and Analysis:

1. Develop recommendations for revisions to the state's relinquishment statute.
2. Develop recommendations for revisions to the state's trust water rights program.

Health & Long-Term Care

786-7747

Issue: Task Force on Health Care Insurance

Background:

E2SSB 6067 passed during the 2000 session. The bill makes numerous changes to state laws governing the individual insurance market. It also creates a seven-member task force, with one Member from each caucus of the Legislature, and the remaining three appointed by the Governor. The task force is charged with monitoring the provisions of the act and its effect on the availability and affordability of individual insurance in this state. The task force is also to study the feasibility of reinsurance as a method of health insurance market stability, and if appropriate, develop a reinsurance system implementation plan. Preliminary reports are due in December 2000, and December 2001, with a final report due no later than December 2002.

Questions to Explore:

1. What is the effect of E2SSB 6067 on:
 - (a) Carrier participation in the individual market?
 - (b) The availability, affordability and quality of private health plan coverage in both the individual and small group market?
 - (c) The operation and cost of the Basic Health Plan (BHP) and the Washington State Health Insurance Pool (WSHIP)?
 - (d) The number of uninsured persons in the state?
2. Is a reinsurance system a desirable, feasible and effective method of providing health insurance market stability? If so, how should it be implemented?

Research and Analysis:

To be determined by the task force members.

Issue: Health Carrier Conversion

Background:

Nonprofit corporations, including health carriers, are created under laws that require them to serve charitable or other public purposes. In return, federal and state laws accord them certain financial advantages such as tax exemptions. Concern exists that nonprofit carriers in this state might consider converting to for-profit status. Were this to occur, there would be a public interest in assuring that the "public assets" built up by virtue of the corporation's nonprofit status were not converted to a private asset before the public was repaid. It is suggested, however, that current Washington laws are insufficient to protect this public interest. Two bills addressing this issue (SB 6808 and SB 6815) were introduced in the 2000 session. Each received a hearing, but neither was reported out of committee.

Questions to Explore:

1. What is the basis for the public interest in the assets accrued by a Washington health carrier by virtue of its non-profit status?
2. What mechanisms exist under current Washington law to protect the public's interest should a non-profit carrier convert to for-profit status? Do they provide sufficient protection? What additional tools would be appropriate?
3. To what extent might restrictions on health carrier conversions inappropriately interfere with the legitimate business practices of the carrier? At what point should the legitimate activities of a non-profit carrier be considered a conversion and be subject to state oversight?
4. What is the likelihood that one of the state's non-profit carriers will convert to for-profit status in the near future? Does this have a bearing on the need for or desirability of conversion legislation?

Research and Analysis:

1. Review state and federal law to better understand the nature of non-profit entities and identify the benefits which accrue to health carriers because of that status.
2. Work with nonprofit health carriers and the Office of the Insurance Commissioner to gain a better understanding of how the carriers are structured, and the transactions which raise conversion concerns.
3. Review state and federal law to identify and evaluate existing means to protect the public interest should a non-profit carrier convert to for-profit status.
4. Identify other states which have adopted conversion legislation. Collect and evaluate their statutes for application in Washington. Survey these states to determine the pros and cons, and general effectiveness of their legislation.
5. Work with Senate members and other interested parties, as appropriate, to draft conversion legislation for consideration in the 2001 session.

Issue: Prescription Drug Costs

Background:

Four bills were introduced during the 2000 session, which intended to address concerns regarding the affordability of prescription drugs, especially for seniors and the disabled. Each bill was modeled after an existing law in another state, and each reflected a slightly different approach to the problem. Two of the bills received hearings, although none of the four were reported out of committee. Interest in the issue remains high both within the state and at a national level, and it is likely to be before the Legislature again in the 2001 session. In addition, prescription drug expenditures will continue to contribute disproportionately to the increasing cost of publicly funded health insurance programs offered by the state's Medical Assistance Administration and Health Care Authority. Interest is likely to remain in identifying means to control these expenditures without compromising health care quality.

Questions to Explore:

1. How many persons in Washington are having trouble affording necessary prescription drugs? What are their demographics? What are the causes of this problem?
2. What are the consequences to these individuals and to the state of their cost-restricted access to prescription drugs?
3. What role might the state play in reducing the cost of prescription drugs to state residents having trouble affording them?
4. What role might the state play in subsidizing the cost of prescription drugs to state residents having trouble affording them?
5. What role might the state play in assuring the appropriate and cost-effective usage of prescription drugs by state residents enrolled in state cost-reduction and/or subsidy programs?
6. How might state residents benefit from federal efforts to address issues regarding the affordability of prescription drugs?

Research and Analysis:

1. Collect, review, and summarize available literature, data and other information regarding (1) prescription drug costs generally and in Washington State; (2) the prevalence and impact of cost-restricted access to prescription drugs in the state; and (3) cost-control methodologies.
2. Identify states which have adopted legislation or taken other action to address the issue of prescription drug affordability. Collect and evaluate their statutes for application in Washington. Survey these states to determine the pros and cons, and general effectiveness, of each approach.
3. Monitor federal efforts to address concerns regarding prescription drug costs. As appropriate, incorporate any federal initiatives into possible state strategies.
4. Identify and evaluate efforts by other large purchasers to control prescription drug expenditures.
5. Work with Senate members and other interested parties, as appropriate, to draft prescription drug assistance legislation for consideration in the 2001 session.

Issue: Health Care Information Privacy**Background:**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) directs the federal Department of Health and Human Services to develop standards governing the privacy of individually identifiable health information. The Department has published proposed rules, and is in the process of reviewing public comments. The rules are expected to be finalized and become effective sometime this fall. Their implementation will likely impact Washington State agencies that handle health information, and agency interaction with health care providers and insurers. In anticipation of this, an interagency task force has been formed to consider what the state will have to do to comply with the federal regulations, and the resources and legislative authorization that this may require. In addition, the patient bill of rights that passed in the 2000 session (2SSB 6199) authorizes the Insurance

Commissioner (OIC) to adopt privacy rules. In so doing, OIC intends to follow the model Health Care Information Privacy Act developed by the National Association of Insurance Commissioners.

Questions to Explore:

1. What is the relationship between the federal HIPAA regulations and existing state law?
2. What is the relationship between the federal HIPAA regulations and the privacy rules adopted by OIC pursuant to the state's patient bill of rights?
3. What resources will be needed by state agencies to comply with the federal HIPAA regulations?
4. Are the actions to be taken by state agencies in the name of compliance with federal HIPAA regulations, including any new rulemaking, consistent with the policy objectives of the Senate?
5. Do the federal HIPAA regulations call for any legislative response? Is any authorizing legislation necessary in order for state agencies to fully comply?

Research and Analysis:

1. Monitor the development of HIPAA privacy standards by the Department of Health and Human Services. Compare the final federal regulations to existing state law and the OIC privacy rules.
2. Participate in the interagency task force on HIPAA compliance. Assess agency implementation of the federal regulations.
3. Monitor activities of other states to comply with HIPAA standards. Evaluate these activities for application in Washington.
4. Work with Senate members and other interested parties, as appropriate, to draft health care privacy legislation for consideration in the 2001 session.

Issue: Long-Term Care Workforce Stability

Background:

In recent years the Legislature has made efforts to improve the quality of long-term care services to the elderly and disabled. Legislation has increased training requirements, broadened background checks on caregivers, moderately increased wages, and strengthened management practices. But reports suggest that workforce instability remains a glaring deficiency in the system. Testimony given during the 2000 session indicated that in some sectors of the industry, the estimated annual turnover rate is 60 percent. Any new attempt to upgrade services in long-term care is undermined when the people who work in the system leave the industry or change jobs frequently.

Questions to Explore:

1. What is the turnover rate for caregivers in the state's long-term care system? Does it differ by setting?
2. How does turnover and job satisfaction in Washington's long-term care system compare to that in other states? In other industries within Washington?

3. What are working conditions of caregivers in the state's long-term care system? How do those conditions contribute to caregiver turnover?
4. What is the relationship between caregiver turnover and quality of care?
5. Do the state's reimbursement policies support the maintenance of a stable long-term care workforce?

Research and Analysis:

1. Survey turnover rates, wages, benefits, and other working conditions of workers in the state's various long-term care settings.
2. Compare turnover rates and working conditions in Washington's long-term care settings with those in other states, and in this state's other industries.
3. Analyze current state reimbursement rates for the state's various long-term care settings with regard to their impact on worker wages and working conditions.
4. Collect, review, and summarize available literature, data and other information regarding (a) the long-term care workforce generally, and in Washington State; and (b) the relationship of workforce stability to quality, particularly in long-term care settings.
5. Identify states which have adopted legislation or taken other action to address the issue of long-term care workforce stability. Collect and evaluate their statutes for application in Washington. Survey these states to determine the pros and cons, and general effectiveness of each approach.
6. Work with Senate members and other interested parties, as appropriate, to draft long-term care workforce stability legislation for consideration in the 2001 session.

Issue: Health Care for Rural Residents

Background:

There is some evidence that, taken as a whole, those who live in areas of this state with sparse or seasonal populations are more likely to need health care services than those who live in other parts of the state. At the same time, providing affordable services in these areas has proven to be more difficult than providing such services where the population is more dense. Testimony received by the Health & Long-Term Care Committee in both the 1999 interim and the 2000 session suggests that the system to provide care in rural areas of this state is fragile and increasingly inadequate. Reports of struggling hospitals and other financially strapped rural providers, and limited insurance options, raise concerns that the health status of the state's rural residents may be at risk. Legislation addressing this issue is likely again in the 2001 session. Research is needed to clarify the exact nature of the problem, and identify solutions that can target and efficiently deliver limited resources to maintain and improve the health status of the state's rural residents.

Questions to Explore:

1. How healthy are the state's rural residents compared to those who live in urban areas? What demands does the health status and other characteristics of rural residents place on the state's health care delivery system?

2. How does the health care delivery system for the state's rural residents differ from that for the state's urban residents? Does this explain any difference in residents' health status?
3. How well does Washington's health care delivery system serve the health needs of the state's rural residents? How well is it perceived to serve them?
4. What tools are available to the state to address any identified deficiencies in its health care system with regard to rural residents? How should these tools be put to use?
5. What role does the health care system in a rural area play other than to improve or maintain the residents' health status? How should this be reflected in state policies regarding these systems?

Research and Analysis:

1. Identify standard means to measure the health status of a given population. Collect, review and summarize available data and other information, both current and historical, regarding the health status of Washington's residents by county. Note recent trends, particularly as to any disparities between rural and urban counties.
2. Identify standard characteristics and components of a health care delivery system. Compare the delivery system in rural and urban counties in the state with regard to these characteristics and components. Where feasible, identify any relationship between these characteristics and components and the health status of the population.
3. Identify "representative" rural communities in the state to visit and profile. Document how health care services are provided, any deficiencies that are identified, and the community's ideas for addressing these deficiencies.
4. Compile an inventory, based on existing activities in this state, in other states, and at the national level, of methods to address deficiencies in the health status of rural residents through changes to Washington's health care delivery system. Evaluate the listed approaches for application in Washington, both locally and statewide.
5. Work with Senate members and other interested parties, as appropriate, to draft rural health care legislation for consideration in the 2001 session.

Issue: Oral Health Care

Background:

In 1996 and 1997, a Legislative Task Force on Oral Health met to address concerns regarding the poor oral health of many low income residents of the state. Although a report was issued and some legislation prompted by the task force was adopted, many of its recommendations were not implemented, and the concerns which led to the creation of the task force still exist. Dental disease is still the most preventable and widespread public health problem in this state. Poor oral health — which can lead to or exacerbate more general medical problems — is a consequence of both inadequate preventive efforts and limited access to care once a problem has developed. Interest in addressing each of these components remains, with a desire to build on the work begun by the 1996 task force in formulating legislation for introduction in the 2001 session.

Questions to Explore:

1. What are the prevalence and severity of oral health problems in this state? What are the demographics of the problem? Is it considered serious?
2. What are the consequences to individuals and to the state of poor oral health? What is the relationship between poor oral health and other medical conditions?
3. What might the Legislature do to better prevent oral health problems, particularly among the state's low income residents?
4. What might the Legislature do to provide better access to treatment for those with oral health problems, particularly among the state's low income residents?

Research and Analysis:

1. Collect, review, and summarize available literature, data and other information regarding (a) oral health care in Washington; and (b) the relationship between poor oral health care and other medical conditions.
2. Identify other states, or local jurisdictions within Washington, which have developed programs or taken other action to address the issue of oral health care. Collect information and evaluate their programs for statewide application. Survey these jurisdictions to determine the pros and cons, and general effectiveness, of each approach.
3. Work with Senate members and other interested parties, as appropriate, to draft oral health care legislation for consideration in the 2001 session.

Higher Education

786-7415

Issue: Reexamination of Master Plan Assumptions

Background:

The Higher Education Coordinating Board (HECB) is required by statute to prepare a comprehensive master plan, and it is to be updated every four years. The update was delivered to the 2000 Legislature, which then requested the Board to reexamine its assumptions with regard to a number of issues and to communicate with the appropriate legislative committees.

Questions to Explore:

1. Are we to continue with the basic assumption that the state of Washington is committed to maintaining opportunity at the current level of participation?
2. Is there another method for determining the appropriate level of access? Should access be provided at a greater level? Is it necessary to focus enrollment opportunity in certain areas to meet economic or employer demand?
3. How will various demographic factors affect enrollment/access demand?
4. What role is played by private providers in meeting enrollment demand? — consider contributions by traditional degree-granting private institutions as well as for-profit institutions like Phoenix University, the private career schools, and other private sector certification opportunities.

Research and Analysis:

ESSCR 8425 requires the HECB, in consultation with the Office of Financial Management (OFM), and in collaboration with all higher education institutions and appropriate legislative committees to prepare an enrollment accommodation plan, contemplate various growth scenarios, identify related operational and capital needs, and examine alternatives to address the identified budget needs.

ESSCR 8425 also requires a reexamination of the assumptions with regard to upper division and graduate enrollments and a reexamination of the role of the community and technical colleges in meeting the postsecondary needs of a significant portion of Washington's population.

Examine the funding methodology for higher education enrollments at the main campuses as well as the branch campuses. How are differences in costs recognized re: delivery methods, program types, and locations?

Monitor the work of the OFM directed Higher Education Enrollment Task Force.

Issue: Distance Learning/e-Learning

Background:

Computers, telecommunications, and the Internet are changing the way schools do business. Advanced media and technologies offer today's colleges a rich mix of learning tools for use both inside and outside the classroom. The state of Washington has long been committed to providing access to e-learning for its citizens, and the HECB master plan promotes expanded adoption of e-learning technologies. Today's students will be expected to participate in e-learning opportunities and will complete their degree requirements through not only the traditional classroom experience but through various combinations of e-learning and on-campus classes. Students no longer need come to a centralized physical facility to interact with many education resources and processes, or even to interact with faculty and peers. While some people view electronic information technologies as a solution to a number of problems from enrollment demand to remediation, others regard e-learning technologies as tools for instruction which supplement, not substitute for, other education approaches and resources.

Questions to Explore:

1. How are current enrollment patterns influenced by increased opportunities for e-learning?
2. What are the effects of on-line opportunities provided by higher education institutions outside the state of Washington?

Research and Analysis

1. Continue to monitor the development of the K-20 Telecommunications Network and its role in distance education.
2. Continue to explore the role of e-learning and related issues, including the costs associated with this alternative to on-campus, in a classroom, face-to-face instruction.
3. Participate in the activities of APEX and Smart Tools Academy.
4. Explore options for strengthening the working relationship between the high technology industry and the higher education community. (SSB 6747)

Issue: Tuition Policy

Background:

Until 1995, the Legislature for many years had established in statute that tuition would be a percentage of the instructional costs at public colleges and universities. The 1995 Legislature removed the direct link to cost of instruction and put in statute the dollar amounts for tuition at the public institutions of higher education. Despite considerable debate and effort on the part of a number of people, the House and Senate have been unable to reach an agreement on a tuition policy, thus leaving the setting of tuition to the biennial budget document.

Questions to Explore:

1. What is the share of responsibility to be carried by the state, through not only institutional support but also financial aid?
2. What share should students and families provide through tuition?

Research and Analysis:

1. Examine the relationships among the residency definitions, the waiver programs, the reciprocity agreements and tuition rates for distance learning programs.
2. Review higher education funding policy and continue examining the relationship between the general fund and tuition.
3. Examine the level of tuition authority granted to local governing boards.
4. Reconsider the value of tying tuition rates to an economic indicator.

Site Visits:

The Higher Education Committee traditionally makes site visits during each interim to a representative sample of the state's higher education institutions. Specific dates have not been established but the committee expects to make a number of visits and will make some of those visits in conjunction with the meetings of the Higher Education Coordinating Board and the State Board for Community and Technical Colleges that hold their meetings on various college or university campuses. It is also the committee's intent to participate this interim in a Smart Tools Academy while it is being hosted by one of the institutions.

Human Services & Corrections

786-7436

Issue: Foster Care Task Force

Background:

During the 1999 interim, the Department of Social and Health Services (DSHS) convened a group consisting of providers, foster parents, legislators and legislative staff, department staff and others from the foster care community to make recommendations regarding the current state of the foster care system. The recommendations made by the task force were divided into four priorities: rates; placement; recruitment; and retention.

DSHS identified "rates" as the top priority for action and began working with a consultant last year to revise its foster care rate structure. Recruitment and retention are critical issues not only for DSHS but also for foster parents, providers and legislators. Placement resources continue to be problematic to all involved.

Questions to Explore:

1. Has DSHS fully explored the various options under each of the recommended priorities? If not, why not?
2. Are the three remaining task force recommendations being addressed expeditiously to allow sufficient time for policy or budgetary development before the 2001 legislative session convenes?

Committee Activities:

1. Attend task force meetings.
2. Meet with DSHS personnel on a regular basis to ensure that the task force recommendations are being implemented.

Issue: Technical Amendments and Clarification to Chapters 26.44, 74.15 and 74.13 of the RCW

Background:

Over the years, Chapters 26.44, 74.15, 74.13 of the RCW have been heavily amended, sometimes without regard to the impact on previous language changes. As a result, there are archaic, confusing and obsolete portions of these sections.

Research and Analysis:

1. Review the statutes to identify technical changes needed.
2. Work with the Department of Social and Health Services to make appropriate technical amendments.

Issue: Parent/Child Privilege

Background:

In a number of relationships - attorney/client, physician/patient, priest/penitent - conversations between these persons are confidential and cannot be disclosed except by the person holding the privilege. There is currently no parent-child privilege in this state. Consequently, for example, in a situation in which a child discloses criminal conduct to a parent, the parent can be compelled to testify against his or her child.

Questions to Explore:

1. What is the current status of the Washington case law on this topic?
2. How many states currently recognize a parent/child privilege and how is it used in those states?
3. What are the pros and cons of having a parent-child privilege?

Research and Analysis:

1. Review the parent/child privilege law in this and other states.
2. Meet with stakeholders (prosecutors, defenders, trial attorneys) to determine their position on the privilege.
3. Draft legislation as requested.

Issue: Child Abandonment

Background:

There have been a number of babies abandoned in Washington State in recent months. A number of other states have also experienced a rise in child abandonment and have taken steps to enact legislation to encourage mothers, especially young mothers, to drop their babies off at safe places rather than abandon them in garbage bins, on park benches, etc. This legislation has taken different forms, from creating an affirmative response for the parent who abandons the baby to creating an immunity from prosecution if the parent abandons a healthy baby in a designated place. Legislators have expressed interest in pursuing such legislation in Washington State.

Questions to Explore:

1. What legislation have other states either passed or pursued? What have been the problems/issues/opposition to that legislation?
2. What end result do Washington's legislators want with similar legislation?

Research and Analysis:

1. Collect the legislation from other states.
2. Analyze it and determine the differences.
3. Determine what perspective the legislators wish to emphasize.
4. Explore legislative options.

Issue: Statutory Mandates

Background:

Over the years, the Legislature has amended the statutes (Chapters 13.32A, 13.34, 26.44, 74.13, 74.14A, and 74.15 of the RCW) that effect the Department of Social and Health Services's (DSHS) responsibility for children's issues. As part of these amendments, the Legislature has added numerous mandates, some of which are known and followed and others which are archaic, and not necessarily known or followed.

Questions to Explore:

1. Under what legal mandates specific to children's issues must DSHS operate?
2. How are these mandates currently implemented?
3. How have they been implemented in the past? If there has been a change in implementation, what caused the change?
4. Do the mandates currently make sense given the current political and fiscal climate?

Research and Analysis:

1. Review Chapters 26.44, 13.34, 13.32A, 74.13, 74.14A and 74.15 of the RCW and compile all mandates currently in statute.
2. Review these with DSHS staff to determine how the mandates are followed/implemented.
3. Review results of meeting with DSHS and compilation of mandates with committee members.
4. Identify potential legislative options.
- 5.

Issue: Children of Incarcerated Women

Background:

In recent years, the number of incarcerated mothers has risen. The children of those mothers are sent to live with relatives or placed in foster care during their mother's incarceration. The children's relationship with their mothers suffers as a result, often leading to a number of problems for the children. When the mother is released, she often experiences difficulty reuniting with her children. In addition, the costs to the state in placing the children in foster care could potentially be avoided if there were other placement alternatives.

Questions to Explore:

1. What programs does the Department of Corrections (DOC) currently offer incarcerated mothers and their children?
2. What programs do other states offer incarcerated mothers and their children?
3. What is the cost of these programs?
4. What outcomes have these programs experienced?

Research and Analysis:

1. Collect and review information on programs for incarcerated mothers and their children in Washington State and other states.
2. Identify potential legislative options.

Issue: Background Checks**Background:**

Citizens believe a person or business with a state license has passed some level of scrutiny, which assures the citizen that the person or business is competent and does not present a known risk or harm. However, in some cases, the state licenses entities and service providers without performing criminal background checks, which may reveal a safety risk. Background check statutes dispersed throughout the code are unclear and inconsistent. Agencies implement the requirements differently depending upon the type of provider and program involved.

Questions to Explore:

1. What are the statutory requirements regarding background checks for persons or businesses licensed by the Department of Social and Health Services (DSHS) and the Department of Health (DOH)?
2. What administrative rules exist for background checks?
3. Do constitutional problems exist under current statutory provisions or any proposed changes to statute?
4. Can the requirements be uniform and clear?
5. What are the costs and who should bear the costs?
6. Can liability related to information discovered through background checks be allocated and limited?
7. To what extent can privacy protections prevent appropriate disclosure and when is disclosure publicly of background information a violation of individual privacy or due process considerations?
8. Can disqualifiers be waived? Is there a need for disqualifiers?

Research and Analysis:

1. Assure effective implementation of the Legislature's policy objectives in protecting the health, safety and welfare of its citizens by streamlining and clarifying the statutory provisions regarding background checks for entities licensed by DSHS and DOH.
2. Consider possible approaches to background checks that are cost effective both in terms of the costs and time allocated to the check itself, but also liability that arises from the information.

Issue: Guardians ad Litem

Background:

Historically, the Legislature has received repeated reports of problems in cases involving guardians ad litem. These cases involve disputes over child custody, child abuse and neglect, and distribution and management of assets or personal care decisions.

Representation of persons who are incapacitated either because they are minors or disabled is an issue debated nationwide, without consensus regarding the roles and responsibilities of a guardian ad litem.

Questions to Explore:

1. Evaluate implementation of recent guardian ad litem legislation and Supreme Court rules.
2. Determine whether counties have developed local rules that govern setting of the guardian ad litem's fees and assess whether these local rules have impacted the number and type of complaints related to excessive fees charged by a guardian ad litem.
3. What is the appropriate role of the guardian ad litem?
4. What distinct names for guardians ad litem in various cases could be used that support the unique role of the guardian ad litem?
5. How can the Legislature assist a layperson in understanding the role of the guardian ad litem?

Research and Analysis:

1. Consider legislation to clarify the role of the guardian ad litem.
2. Consider legislation that would change the name of guardians ad litem.
3. Develop a consumer's guide to guardian ad litem laws.
4. Prepare a report that assesses implementation of guardian ad litem laws, particularly the implementation of ESSB 6305.

Issue: Task Force on Interstate Compact for Supervision of Adult Offenders

Background:

The Interstate Compact for Supervision of Adult Offenders is over 60 years old and, in response to concerns that it was no longer effective, a new compact has been drafted in an effort coordinated by the Council for State Governments. The new draft raises a number of issues related to federalism and the authority of the state because the compact must be adopted before its terms are decided and signatory states agree to adopt the terms before they are drafted. Adoption of the compact might also require some substantive changes by the state in statute, policy, and practice. What those changes will be is unknown at the present time. The effect of a state decision not to adopt the new compact is also unclear. The compact does not take effect until 35 states have ratified it. SSB 6621 establishes a task force to determine whether it is in the state's best interest to adopt the new compact. The act requires legislative staff to assist members appointed to the task force as requested.

Questions to Explore:

1. Does the state surrender its authority to set policy over offender supervision to the central committee created by the compact? If so, what is the effect of that surrender?
2. What are the impacts to the state in a decision to adopt the compact? Not to adopt?

Objectives and Analysis:

Assist Senate members assigned to the task force in determining if adopting the compact is in the best interest of Washington State.

Committee Activities:

Attend task force meetings.

Issue: Jail Custodial Care Standards**Background:**

The Corrections Standards Board promulgated rules that relate to a variety of custodial care standards in local correctional facilities. The Board was eliminated by the Legislature in 1987. A savings clause in the legislation included rules related to jail construction and contracting but did not include those rules related to custodial care standards.

Consequently, there is no statewide set of enforceable custodial care standards for persons confined in local correctional facilities. In addition, there is no agency with the authority to repeal, amend, or readopt the currently published WACs.

Questions to Explore:

1. What custodial care standards are local correctional facilities using?
2. Has the Washington Association of Sheriffs and Police Chiefs (WASPC) adopted a set of custodial care standards?
3. Are there recognized national standards for custodial care?
4. What is the most effective means for restoring the standards?
5. To what extent is the lack of statewide standards a fiscal or legal issue? Does it impact receipt of federal funds?

Objectives and Analysis:

1. In cooperation with the WASPC and jail administrators, determine what standards are currently in use in the city and county jails.
2. Collect, review, and assess other state's approaches to custodial care standards in local correctional facilities.
3. Identify the appropriate state authority for regulating local correctional facilities and review that agency's authority to promulgate custodial care standards.
4. Review the effectiveness of local regulation of custodial care standards and the degree of consistency from one jurisdiction to another.
5. Determine what, if any, legislation is necessary to restore the statewide custodial care standards for local correctional facilities.
6. Assess the impact of jail overcrowding on custodial care standards.

Committee Activities:

1. Field tours: visit a representative sample of local correctional facilities to observe how custodial care standards are implemented in the jails.
2. Report to the committee on the current status of custodial care standards and make recommendations related to the restoration of statewide standards.

Issue: Monitor Establishment of a JRA Co-Occurring Disorder Pilot Project**Background:**

Juveniles with co-occurring substance abuse and mental disorders have a greater risk of committing additional offenses than those without co-occurring disorders. Juveniles who receive more extensive discharge planning and community services are less likely to commit additional offenses. The 2000 Supplemental Operating Budget contains funds for a pilot project to provide transitional services to juveniles leaving the Juvenile Rehabilitation Administration (JRA) who have both mental health and substance abuse disorders. The Washington State Institute for Public Policy will evaluate outcomes of the project.

Questions to Explore:

1. How is the program being implemented? Where?
2. Are sufficient numbers of juveniles participating?
3. Are there unanticipated hurdles to overcome?

Research and Analysis:

1. In coordination with JRA and the Washington State Institute for Public Policy, track the implementation of the project.
2. Summarize the project implementation in a report to the committee.

Judiciary

786-7462

Issue: Sexually Violent Predators

Background:

Under the Community Protection Act, a sexually violent predator may be civilly committed to a secured facility after serving his or her criminal sentence. Sexually violent predators are committed to the custody of the Department of Social and Health Services for control, care, and treatment until they are safe to be released or transferred to a less restrictive alternative. Recent decisions by the federal court have mandated increased spending to assure that these people are receiving the treatment required under the act. During the 2000 legislative session, SB 6836 was introduced as a criminal sentencing alternative to civil commitment for sexually violent offenders. The bill provided indeterminate sentences for these offenders and placed them under the supervision of the Indeterminate Sentencing Review Board. It was contemplated that this would serve to protect society at a more reasonable cost. Offenders were still entitled to treatment during incarceration.

Questions to Explore:

1. How are sexually violent offenders being treated presently and how is the state responding to recent federal court decisions?
2. What is the effect of the 2 strikes persistent offender statute of the future need for civil commitment or the proposed legislation?
3. What is the most appropriate method of protecting society from these individuals while marshaling corrections' resources efficiently?

Research and Analysis:

1. A subcommittee chaired by Senator Costa will conduct an interim study to determine the most appropriate method of dealing with sexually violent offenders.
2. An interim study group will be assembled, including representation from the Department of Corrections, the Sentencing Guidelines Commission, the Indeterminate Sentencing Review Board, the Washington Association of Prosecuting Attorneys, the Washington State Institute for Public Policy, criminal defenders associations, and other interested parties, to study the issue and report recommendations.
3. Senate Judiciary Committee staff will provide administrative support and draft reports and legislative responses if appropriate.

Issue: Washington State Training and Use of Police Dogs

Background:

Washington has no standards or laws governing police dog training and use. Each department handles training on its own. A recent lawsuit in Snohomish county, which derived from the behavior of a police dog, resulted in a controversial settlement of

\$412,500. This case has exposed the weaknesses statewide in training, dog selection and standards. It has been proposed that the Criminal Justice Training Center oversee the training and use of dogs in police work. There is support for the belief that just as human deputies and officers are required to meet certain criteria, so should the dogs that serve as partners, trackers, defenders and enforcers.

Questions to Explore:

1. What is the practice now in different departments regarding training of police dogs (i.e., how much training is required, who provides the training, and what proficiency tests are in place)?
2. How are the dogs selected to become police dogs?
3. What do other states do with regard to training and oversight of police dogs and what, if any, laws are in place in other states pertinent to this issue?
4. Should the state oversee the training of dogs in police work and create mandatory standards?
5. If the decision is made that the state should set standards regarding the training of police dogs, what should those standards and practices be, what entity should implement them and how should they be monitored?

Research and Analysis:

1. Survey other states which have enacted legislation pertaining to the training and use of police dogs. Obtain information from those states as to the effectiveness of their state laws.
2. Research national organizations (i.e., the North American Police Work Dog Association) regarding their training methods and availability to assist law enforcement in the training and continued improvement of their police dogs.
3. Collect, review and summarize available information regarding the training of police dogs and the cost of such training programs.
4. Draft proposed legislation as needed.

Issue: Racial Profiling

Background:

Several national and regional civil rights organizations have recently reported an increasing number of incidents of alleged racial profiling involving the operation of a motor vehicle. Racial profiling occurs when a law enforcement officer stops a person driving an automobile primarily because of the color of his or her skin (i.e., driving while black/brown), not because the person has violated any traffic laws.

The 2000 Legislature passed SB 6683 which requires the Washington State Patrol to gather statistical information, including race or ethnicity of the driver, involving routine traffic enforcement. Additionally, the Washington Association of Sheriffs and Police Chiefs is to encourage local law enforcement agencies to collect similar information. Both organizations, with the assistance of the Criminal Justice Training Commission, are to furnish reports to the Legislature prior to the 2001 session.

Questions to Explore:

1. Does racial profiling occur in this state, and if so, to what extent? Does it tend to be a problem that is department-wide, or does it tend to more a case of "one bad apple?"
2. What have law enforcement agencies in other states done to combat such practices? Are there training or education programs that are effective?
3. Are civil or criminal penalties appropriate to deter such conduct? Under what circumstances?

Research and Analysis:

1. The Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs will be gathering statistical information on traffic stops in this state.
2. Staff will be working with interested organizations, particularly the Washington State Commission on African-American Affairs, to gather additional information in the issue of racial profiling.
3. The State Patrol and the Washington Association of Sheriffs and Police Chiefs are to submit their respective reports to the Legislature no later than December 1, 2000.

Committee Hearings:

1. May 31, 2000, Public Hearing, Tacoma City Council Chambers.
2. June 6, 2000, Public Hearing, Seattle City Council Chambers.

Issue: Trial Court Study**Background:**

There is increasing concern among legislators, judges, attorneys, local government officials and the public that the trial courts in this state are not functioning in the most effective and efficient manner. Many are of the opinion that the lack of resources and the cost of services may be impeding the administration of justice. In particular, cities and counties are utilizing a disproportionate amount of their tax revenues to fund court services.

Similarly, there is a belief that judicial resources are not being utilized in a manner that allows judges and court officials to maximize their management and legal expertise by creating a variety of judicial forums and alternative dispute resolution options that take advantage of modern principles of judicial administration.

The Board for Judicial Administration, consisting of judges representing the supreme court, court of appeals, superior courts, district courts and municipal courts, is the policymaking body of the judiciary. The Board, in response to several legislative initiatives, has made a commitment to conduct a thorough review of the court system and make recommendations to the 2001 Legislature on methods to improve the judiciary.

Questions to Explore:

1. Is it necessary to have so many different levels of trial courts? In particular, would it be beneficial to have a single level trial court that would handle all cases currently heard by the superior, district, and municipal courts?
2. What type of internal management changes can be made to improve the operation of the trial courts? For instance, should the presiding judge of a court be given greater authority to manage resources and workload?
3. Are additional resources needed, and if so, how much is necessary? How should such revenues be obtained?

Research and Analysis:

1. The Board for Judicial Administration, with the assistance of legislators, attorneys, public officials and court personnel, will be meeting and working on the study.
2. Staff has been asked to monitor the progress of the study and provide assistance to the various legislators that will be participating on the various subcommittees.
3. The Board reports to the Legislature, with recommendations, prior to the 2001 legislative session.

Issue: Sentencing Guidelines Commission - Sentencing Study**Background:**

The Sentencing Guidelines Commission, created in 1981 by the Sentencing Reform Act, developed the initial set of guidelines and continues to advise the Legislature regarding adjustments. The Sentencing Guidelines Commission has been directed to conduct a comprehensive review and evaluation of sentencing policy and develop recommendations for future modification of sentencing alternatives. If implementation of the recommendations would result in exceeding correctional capacity, the commission is also directed to present a list of revised standard range sentences consistent with operational corrections capacity and the purposes of the Sentencing Reform Act.

Questions to Explore:

1. Are current sentencing ranges, standards, enhancements, and alternatives consistent with the intent of the Legislature to emphasize confinement for violent offenders, to provide sentencing alternatives for nonviolent offenders, and to ensure consistency with existing operational corrections capacity?

Research and Analysis:

1. The Sentencing Guidelines Commission will be meeting and working on the study for the next two years.
2. Staff will monitor progress of the study.
3. The commission reports to the Legislature, with recommendations, by December 1, 2001.

Issue: Escape Statutes, Bail Jumping, and Waivers of Extradition

Background:

The criminal laws pertaining to escape are confusing. Two different mens reas, knowledge and willfulness, have been added by case law. While the state need only prove one of the mens reas in a particular prosecution, determining the correct one to allege requires a careful review of the facts and presents a trap for the unwary.

At a time when courts increasingly rely upon personal recognizance release, defendants have discovered that a defense to a charge of bail jumping is to acknowledge receiving notice of the next hearing date but claim to have forgotten that the hearing was taking place on that date.

Twenty-two states honor waivers of extradition which are signed (prior to flight) as a term of probation, parole, bail, or other release by the person sought to be extradited and presented by a state demanding extradition of the person. Washington is not one of the twenty-two states.

Questions to Explore:

1. Is there a single mens rea that can be established for all escape charges?
2. Should the knowledge requirement for bail jumping cases be changed to knowledge that the hearing has been scheduled versus knowingly failing to appear?
3. What affirmative defenses should be provided for escape charges and for the offense of bail jumping?
4. Should Washington join the twenty-two other states that honor waivers of extradition which are signed (prior to flight) as a term of probation, parole, bail, or other release by the person sought to be extradited and presented by a state demanding extradition of the person?

Research and Analysis:

1. Read and analyze the case law pertaining to first, second, and third degree escape and the mens rea required to be proven by the court.
2. Survey other states to determine what knowledge requirement is used for bail jumping cases and read recent relative case law.
3. Monitor efforts by the Washington State Prosecuting Attorneys Association to establish a single mens rea of knowledge for escape charges, change the knowledge requirement for bail jumping cases and consolidate all escape charges into one set of statutes
4. Research the pros and cons of honoring waivers of extradition completed by individuals in the demanding state prior to their flight.

Issue: Study of Capital Punishment by the Office of the Administrator for the Courts

Background:

The latest death penalty statute was enacted in 1981 and the provisions remain substantially unchanged today. Aggravated, premeditated first degree murder is the only offense eligible for capital punishment. In 1996, the default method of execution was changed to lethal injection, with hanging by the neck available at the election of the offender. Since 1904, there have been 76 executions in Washington. The most recent execution was in 1998. There are currently 13 inmates subject to the death penalty. The 2000 Supplemental Budget includes funding for a death penalty task force to review existing statutes and court rules.

Questions to Explore:

1. Are defendants provided with adequate counsel and resources?
2. Is there uniformity of decision-making by prosecuting attorneys?
3. What is the impact of race, ethnicity, gender, and economic status, if any?
4. Is there a need to revise statutes or court rules to decrease the likelihood of an inappropriate imposition of the death sentence?

Research and Analysis:

1. The task force will be meeting and working on the study over the next fiscal year.
2. The task force reports to the Legislature, Governor, and Supreme Court by January 1, 2002.
3. Staff and support is provided by the Office of the Administrator for the Courts.
4. Staff will monitor progress of the task force.
5. Legislation will be drafted as necessary.

Issue: Judicial Information System - Data Dissemination

Background:

In 1995, the Judicial Information System Committee adopted the Data Dissemination Policy governing the release and use of information maintained in the Judicial Information System (JIS). The policy's main premise is that compilations of records on people inherently raise a significantly greater risk of intrusion into the privacy interests of citizens than do individual case records. Another premise is that those outside the courts have less of an interest in access to information in the JIS than do the courts.

Questions to Explore:

1. What is the extent to which individual information in the JIS needs protection?
2. What interests would be served by greater access to JIS information and do those interests outweigh the privacy interests of the individuals in the system?
3. If greater protection is desirable, how is that best accomplished?

Research and Analysis:

1. The committee continues to meet regularly to discuss and work on resolution to these issues.
2. Staff will monitor progress of the work group.
3. Legislation will be drafted as necessary.

Issue: Judicial Information System Database Entries**Background:**

For the purpose of preventing competing protective orders, the judicial information system contains a database that includes certain information about individuals subject to those orders. Concern has been raised that too much personal and confidential information is entered into the database and that unauthorized use may be used to cause harm to protected individuals. In 2000, the Legislature considered SB 6359, which would have limited and specified the personally identifying information entered into the judicial information system database. Judges expressed concern about limiting the amount of easily accessed information in the courtroom. The judges expressed willingness to study the issue before the next legislative session.

Questions to Explore:

1. Who is allowed access to the JIS database screens?
2. Is more control needed to limit access to the database?
3. What is the minimum information required without compromising the usefulness of the database?

Research and Analysis:

1. A number of meetings will be held over the interim.
2. Staff will monitor progress of the study.
3. Legislation will be drafted as necessary.

Issue: Law Enforcement Costs and Expenditures**Background:**

As directed by 2SSB 6369, the Washington Association of Sheriffs and Police Chiefs are conducting a study of the total costs and expenditures for law enforcement for both counties and cities within the county for counties with populations over 150,000 (King, Pierce Snohomish, Spokane, Clark, Kitsap, Yakima, Thurston, and Whatcom). The study must be completed no later than January 1, 2001.

Questions to Explore:

1. What are the total costs and expenditures for law enforcement for both counties and cities within the county for counties with populations over 150,000?

2. Can cost savings be realized through greater use of interlocal agreements, joint specialty service units, and other cooperative arrangements?

Research and Analysis:

1. The goal of the study is to produce recommendations for cost effective, collaborative law enforcement service delivery partnerships.
2. Staff will work with the Washington Association of Sheriffs and Police Chiefs, Legislative Evaluation and Accountability Program Committee and the Office of the State Auditor and monitor progress of the work group.
3. Legislation will be drafted as necessary.

Issue: Joint Select Committee on Legislative/Tribal Relations

Background:

The Legislature recognizes twenty-nine federally recognized Indian tribes in Washington with a combined population of approximately ninety-one thousand members. These tribes have governmental operations with responsibilities to their citizens and their lands similar to those of Washington. The 2000 Legislature established a joint select committee on legislative/tribal relations to review, study, and recommend how the Legislature and tribes may develop more effective relationships and cooperative mechanisms to address common issues.

Questions to Explore:

1. How can the Legislature and the tribes develop more effective relationships?
2. What are the common interests between the Legislature and the tribes?
3. How can those interests be most effectively addressed?

Research and Analysis:

1. Staff will provide support in cooperation with the Office of Program Research and the Northwest Indian Applied Research Institute.
2. A report will be drafted by the joint select committee for presentation to the Legislature in December 2000.

Issue: Eminent Domain

Background:

There are constitutional and statutory provisions that allow public entities to condemn private property for public use and purposes. In addition, the constitution and statutes also allow certain corporations (generally state-regulated corporations such as water, gas, electric, railroad, etc.) to condemn private property for public use and purposes. Eminent domain is the legal process that allows for such condemnation proceedings and provides for notice, hearings and just compensation to the private landowners.

The 2000 Legislature passed SB 6190, which creates a bipartisan workgroup of four legislators (one from each of the caucuses) to study the use of eminent domain and ways to expedite resolution of public use disputes in eminent domain proceedings.

Questions to Explore:

1. The statutes governing eminent domain have not been updated or modernized for many years. Do the statutes need to be amended to expedite the process? Can such proceedings be done in a more efficient manner that provides fairness to all parties?
2. Eminent domain involves the involuntary taking of private property. Are there sufficient protections for private landowners to ensure due process, fairness, and just compensation? Have eminent domain proceedings been abused or mis-used?
3. Do the statutes allowing private corporations to condemn private land need to be given special attention, particularly in light of the rapid growth of various technology-related corporations that use Internet and wireless communications?

Research and Analysis:

1. The workgroup will meet periodically during the interim to consider pertinent issues on eminent domain.
2. The workgroup will meet with interested parties to determine what problems are being encountered with the statutes governing eminent domain.
3. Staff will research approaches taken by other states in handling eminent domain cases.
4. If necessary, a report will be issued together with proposed legislation.

Labor & Workforce Development

786-7426

Issue: Contingent Work Force

Background:

No comprehensive study of Washington's contingent work force has been conducted. As policymakers decide how to balance employers' needs for flexibility with contingent workers' needs for adequate job and financial security, they need better information.

Study:

The Employment Security Department plans to conduct a study of Washington's contingent workforce. Consistent with several legislative proposals to conduct such a study, it will address: (1) the number of workers that are part of the contingent work force; (2) the demographic, wage and benefit, industrial, and geographic profiles of the contingent work force; (3) the growth rate of the contingent work force, and the explanations for such growth; the preference for contingent work compared to that for noncontingent work; (4) the duration of contingent work compared to that of noncontingent work; (5) laws that provide for a different level of employee benefits based on the number of hours per week a person works or on the permanence of his or her employment; (6) the extent to which employment-based benefits are based on the number of hours per week a person works or on the permanence of his or her employment; (7) the impact of the growth of the contingent work force on workers, families, businesses, social services, local economies, and the state economy; and (8) legislative proposals related to the contingent work force.

It is likely that the study will be conducted in cooperation with an advisory group including representatives of the business and labor communities. It is expected that an interim report will be presented at a committee meeting in December 2000, and that the final report will be presented at a committee meeting in September 2001.

Committee Activities:

Committee staff will monitor the Department's work and the advisory group's activities related to the study of Washington's contingent work force.

Issue: Distance Learning and Workforce Development

Background:

Use of the Internet as an education and training option is expected to continue to accelerate. Called "Distance Learning" or "Asynchronous Learning," online education already includes hundreds of courses, ranging from university credit classes, to specifically job-focused mini-courses, leading to certification. Washington's WorkFirst program, along with other workforce development for low income workers, seeks to encourage gearing-up

for meaningful employment, in a cost-effective manner. Intelligent use of Distance Learning may enable Temporary Assistance for Needy Families (TANF) clients and others to progress more quickly than traditional education and training models.

Research and Analyst:

Staff will explore the utility of initiating a deliberate focus on the use of Distance Learning in the education and training of TANF clients and other low income workers. Through contacts with the Department of Social and Health Services, Employment Security and the State Board for Community and Technical Colleges, as well as Internet research, staff will develop policy options for using Internet technology in an optimal manner, particularly for those on TANF.

Issue: Occupational Disease Study

Background:

An occupational disease is one that "arises naturally and proximately out of employment...." It is widely accepted that certain chemical exposures result in occupational diseases; however, the effects of other exposures are disputed both by researchers and within the medical community.

When an employer disputes whether a disease arose out of employment, the worker has the burden of proving the connection between the employment and the disease. In some chemically related illness claims, the difficulty in relating a clearly defined illness to a toxic workplace exposure results in prolonged controversy.

Questions to Explore:

1. What proportion of occupational disease claims are rejected by the department and self-insured employers? How does this compare to other workers' compensation claims?
2. What process does the department follow in determining outcomes of occupational disease claims?
3. What are the factors that lead to claim compensation in occupational disease cases?
4. If workers with occupational diseases are not receiving workers' compensation for their disease, how are the costs of the disease being borne?

Issue: Psychological and Learning Barriers to Employment

Background:

Studies indicate that many barriers to employment are "invisible." These invisible barriers include clinical depression, Attention Deficiency Disorder, dyslexia and other disorders, and IQ, among others. Some of these conditions can be successfully addressed with appropriate use of pharmaceuticals, or therapy, or other treatment modalities. Resolution of the underlying problem, such as clinical depression, may enable a person to enter and

progress in the workplace, and to attain self-sufficiency. In addition, recognition and assessment of barriers that are less susceptible to effective treatment can help to provide humane and rational guidelines for the development of exemption criteria for long-term Temporary Assistance for Needy Families (TANF) recipients.

Research and Analyst:

Staff will research the identification and treatment of clinical depression and other psychological barriers to employment and self-sufficiency. Staff will contact mental health professionals, treatment providers, the Department of Social and Health Services and others, to develop a pilot approach and possible legislation regarding the identification and treatment of psychological barriers to employment in the TANF population.

Issue: Temporary Assistance for Needy Families (TANF) Time Limits

Background:

Federal and state welfare reform acts rely upon the provision of benefits that are time-limited. Washington State's Temporary Assistance for Needy Families (TANF) is limited to 60 months in a recipient's lifetime. For those who have been on TANF continuously since its inception, the 60-month limit will be reached in August of 2002.

Legislatively, that means that any major effort to foresee and provide for the impacts and effects of time limits will need to take place in the 2001 session.

Project:

Staff will work with members of both the Senate and the House, relevant state agencies, the Office of Financial Management, policy organizations and others, to prepare a Summer Conference regarding the effects of TANF time limits, and to assist Members in developing policy options regarding time limits, rational exemptions, special population needs and related issues. Staff will draft legislation as requested.

Issue: Unemployment Insurance

Background:

In recent years, business and labor interests have expressed concerns about various aspects of the unemployment insurance system. Concerns related to the taxes have included the level of socialized costs (e.g., charges against inactive accounts, noncharged benefits, and ineffective charges) and the variability of small employer tax rates. Concerns related to compensation have included additional benefits for dislocated workers, as well as regular benefits for domestic violence victims, part-time and temporary employees, and parents following the birth or adoption of a child.

Study:

In 2000, the Legislature established a legislative task force to "review and make recommendations regarding the changes deemed necessary to ensure that the unemployment insurance system meets the needs of employers and workers in the twenty-first century." See Laws of 2000, Chapter 2, Section 11 (SHB 3077). The Legislature directed the task force to "review the historical fundamentals of the unemployment insurance system established early in the twentieth century and determine to what extent, if any, the system should be modified to meet the challenges of maintaining low unemployment, establishing a skilled work force, and ensuring a strong and competitive business and employment climate in our new technology-based twenty-first century economy." The task force will use committee staff and others to carry out the study.

Committee Meeting:

The task force report of its findings and recommendations may be presented at a committee meeting in December 2000.

Issue: WAGE AND HOUR LAWS**Background:**

The federal Fair Labor Standards Act ("FLSA") and the state Minimum Wage Act ("MWA") set minimum wages and regulate overtime compensation. These laws were originally enacted more than 40 years ago.

Employers and employees alike have expressed concerns about these minimum wage and overtime laws in recent years. Employer concerns include flexible scheduling, compensatory time, bonuses and other forms of incentive-based pay. Their concerns also include recordkeeping and reporting requirements. Employee concerns include regular pay periods, final wage payments, and wage claim enforcement. Other concerns include attorneys' fees and statutes of limitation.

Research and Analysis:

1. Research existing federal and state laws and relevant cases.
2. Prepare summary of federal and state laws.
3. Identify differences between federal and state laws.
4. Identify inconsistencies within state laws.
5. Identify policy issues.
6. Review active proposals to modify federal laws, past proposals to modify state laws, and wage and hour laws in other states.
7. Prepare a guide to wage and hours laws.
8. Draft legislation as directed.

Issue: Workforce Development

Background:

Washington has been a national leader in its creation of a workforce development system that is responsive to the needs of businesses and workers. Demographic shifts in the state, a tight labor market, and a new focus on work in programs assisting the disabled and those on public assistance all call for an examination of the capacity of our system to meet changing needs.

Questions to Explore:

1. What are the effects of the state's changing demographics on workforce training needs?
2. What are the implications of an emphasis on careers in the new economy? (Who will build our roads?)
3. How do different service providers deliver services? (For example, do some offer training for jobs not available locally, thus encouraging relocation?)
4. Does the structure of the state's workforce development system optimize the use of training and other services by businesses and workers? (How are information costs and transaction costs minimized?)
5. How are new programs being integrated into the system?
6. How are existing, ill-connected programs being integrated into the system?
7. What are other states and countries doing to overcome exclusion from the labor force?

Natural Resources, Parks & Recreation

786-7419

Issue: Aquatic Land Leasing

Background:

The Department of Natural Resources leases the aquatic bed lands of the state to private and public entities for purposes such as marinas, docks, port facilities, log rafting, aquaculture, shore side restaurants and a multitude of other uses. The last major rewrite of the aquatic land leasing statutes was completed in 1984. At that time the leasing rates for aquatic lands was based upon the value of adjacent upland property. Since the 1984 statute was implemented, numerous leasing inequities have become apparent, and complaints from lessees have escalated. Numerous studies have been conducted with the latest in 1998 under the authority of 2SSB 6156.

Questions to Explore:

1. What is a fair lease rate for various classes of aquatic bed lands?
2. Should lease rates be based upon income of the lessee?
3. Should aquatic lease rates be based upon a statutory formula or on some sort of appraisal?
4. Should lease rates be tied to upland property values?
5. How should the requirements in a lease be reflected in the lease rate?
6. What are reasonable lease requirements?
7. What is a reasonable time period for issuance of initial leases and lease renewals?
8. With respect to the setting of lease rates, is there a need for statutory changes in the duration of leases?
9. Should the policy of water-dependent vs. non water-dependent leases be reevaluated?

Research and Analysis:

1. Review aquatic land lease rates in other states.
2. Assess current settings of lease rates and how they are administered.
3. Analyze uses of bed lands not currently assessed.
4. Study environmental uses not currently assessed.
5. Analyze leasing rate and computation alternatives.

Committee Meetings:

Meetings and tours to be developed to assess current lease uses in both urban and rural areas of the Puget Sound, the Columbia River, and on inland Washington aquatic lands.

Issue: State Land Management

Background:

The Department of Natural Resources has a multitude of proprietary land management and regulatory functions. The shifts in forest practices due to urbanization, environmental

requirements, and new scientific findings will require legislative oversight and changes in law over the next decade. Changing fire fighting requirements, public expectations for land stewardship, and income for the trusts are the key current areas of concern. Land leases, exchanges and levels of public ownership are also involved in the present debate.

Questions to Explore:

1. Are forest land conversion practices working as intended by the Legislature? Is the conversion process fitting into growth management policy?
2. Can the management of agricultural trust land leases be improved to achieve a higher income and a greater level of resource protection?
3. What are the current surplus land disposal methods used by natural resource land managers and how can they be improved?
4. How does historic preservation affect natural resource land management property evaluation and preservation costs?
5. What are the effects of grazing on forest land timber production and what can be done to increase timber harvest levels while still allowing multiple agricultural uses?
6. Are the surface and underground mining codes adequate given the changes in environmental protection standards under the federal endangered species act?
7. What can be done to reduce the risks to public drinking water through changes in road construction techniques in watersheds?

Research and Analysis:

1. Review the land trade, exchange, lease and sale provisions for state uplands.
2. Assess how road and forest proposals in Whatcom County can be applied on other municipal watersheds.
3. Analyze the funding requirements for increased non-forest land management and methods on how income to the trusts can be maximized.
4. Monitor Indian tribal programs relating to forest practices as compared to management of state trusts.
5. Research the historic preservation programs of other states as they affect forest lands and other public lands.
6. Review the local government programs relating to forest land conversion including public involvement issues.
7. Analyze how the forest and fish report is being funded and implemented on public and private land.
8. Research sustained yield and arrearage policies and statistics.
9. Monitor the Board of Natural Resources' staff development.
10. Critique forest practice temporary and permanent rules required by the 1999 Legislature.
11. Survey forest insect damage programs on federal lands and in Montana and Idaho.

Committee Meetings:

1. Possible tours and meetings in north central Washington relating to grazing and agricultural land use.
2. Meetings in Olympia and other parts of western Washington to familiarize the committee with current issues and problems.

3. Possible private industry tour to demonstrate the differences between public and private practices.

Issue: Recovery of Threatened and Endangered Salmon

Background:

Federal Endangered Species Act listings of threatened and endangered salmon have encompassed the majority of geographic areas in Washington State. The response from state and local governments has been to form a series of regional lead entities that are responsible for identifying limiting factors for salmon recovery, developing salmon restoration project and activity proposals, conducting or supervising the projects and proposals, and evaluating the results of those projects and proposals. The lists of projects and activities developed by lead entities are submitted to the newly created Salmon Recovery Funding Board for funding approval. Local governments, state agencies, tribes, and federal agencies are all involved in the recovery effort.

Questions to Explore:

1. What type of projects will most likely be funded by the Salmon Recovery Funding Board?
2. Will upcoming federal requirements, such as 4D rules, require changed emphasis in state or local recovery efforts?
3. How will scientific findings be incorporated into recovery projects and activities?
4. Is adaptive management being implemented, and are the results beneficial?
5. Will treaty Indian fishing rights be subject to Endangered Species Act restrictions?
6. Is the Governor's salmon team effectively functioning as a policy lead for salmon recovery?
7. Are certain geographic areas, types of projects and activities, or certain project sponsors being unfairly excluded from funding?
8. What monitoring activities will be adopted to assure that investments in salmon recovery are successful?
9. What role will the Department of Fish and Wildlife play in salmon recovery?
10. What opportunities exist for further improvement in legislative response to the Endangered Species Act in general, and endangered salmon in particular?
11. Are there differences between the state and federal endangered species statutes?

Research and Analysis:

1. Analyze the formation of lead entities for overall effectiveness, organizational ability, project completion, and ability to involve all affected groups.
2. Research the interaction between salmon restoration and watershed planning efforts.
3. Study the interaction of the many-faceted parts to the salmon recovery puzzle, such as: stream side buffers, hatchery/wild stock interactions, selective fishery opportunities, insufficient instream flows, insufficient aquatic nutrients, predation, and a host of other factors.
4. Assess the evolution of standardized design criteria for salmon restoration projects.
5. Review of federal recovery plans and how they interface with state and tribal programs.
6. Compare recovery efforts in other states with our programs.

Committee Meetings:

1. Potential field trip to the Yakima River basin to evaluate an area where a salmon restoration lead entity has not been able to organize due to competing interests.
2. September meeting—review funding decisions, future needs, and progress of the Salmon Recovery Funding Board.
3. December meeting—receive statutory reports from the Governor (state of the salmon), Salmon Recovery Funding Board, and Independent Science Panel.

Issue: John Wayne Trail and Iron Horse State Park**Background:**

Iron Horse State Park (also named the John Wayne Trail) currently consists of 66.5 miles of trail through Kittitas and King counties along Interstate 90. Initial acquisition began in 1981 and is primarily located on part of the abandoned Milwaukee Road railroad. The trail extends through riparian woodlands, dry coniferous forest, broadleaf forest, and open agricultural lands. Trail facilities include thirty substantial trestles, four tunnels (one of which is 2.3 miles long), two snowsheds, three developed trailheads located at South Cle Elum, Easton, and a United States Forrest Service area at Hyak. The Easton trailhead has two vault toilets, five picnic tables, water, a loading ramp and a 21-vehicle parking lot. The trail is open to non-motorized recreation such as walking, bicycling, horseback riding and other horse related activities, cross country skiing, dog-sleds, and fishing.

The continued use and continuity of the trail are the subject of concern. Changes in the allowed uses of the trail have been discussed. A 11-mile portion of the trail may be needed for expansion of Interstate 90 and the military has at various times mentioned the use of portions of the trail.

Questions to Explore:

1. What are the current plans and needs for maintenance and expansion of the trail?
2. What uses does the trail currently serve?
3. What presently unmet and future recreational needs could the trail provide?
4. What other recreational uses are planned for the trail?
5. What nonrecreational uses might be made of the trail?
6. How do or could these uses fit the character of the trail?
7. What nonrecreational uses are incompatible with the trail?
8. What other similar recreational opportunities could supplement this trail?

Research and Analysis:

1. Gather and analyze historical and current information surrounding the trail.
2. Study current use patterns and projections for future use.
3. Collect, review, and analyze new demands being placed on the trail.
4. Monitor the activities of those exploring utilization of the trail for alternate uses.
5. Assess the need for statutory revision.

Committee Activities:

1. Possible tour of the trail, facilities, and alternate demand areas, as well as potential future trail sites.
2. Meeting with parties interested in alternate uses and to review use plans.

Issue: Recreational Land Availability and Immunity**Background:**

Increasing population and more active lifestyles have and will continue to greatly increase the demand for outdoor recreation in Washington. Increasing diverse recreational activities and demands among residents of varying ages, physical capacities, and recreational preferences is straining currently available outdoor recreational opportunities. Currently, landowners who make their land available to the general public for outdoor recreational use, without charging a fee, are immune from liability for unintentional injuries to recreational users. Recently however, courts have held that landowners may be liable for injuries resulting from conditions which are mixed natural and man-made features. This interpretation has caused concern that landowners cannot afford the increased risk of keeping their land open to the public and that less land will be available for future recreation in a time of increasing demand.

Questions to Explore:

1. What is the current unmet demand for outdoor recreational opportunities?
2. Are there current underutilized public and private lands that could fill these demands?
3. What are the major reasons for underutilization?
4. What is the appropriate meaning of an "artificial" condition that should give rise to liability for injury?
5. How do other states provide land for recreation while protecting users from negligent harm?
6. Should landowners be liable for injuries to third parties caused by those who are using the land?
7. Should landowners be able to charge fees for recreational access and remain immune from liability?
8. How can more land be made available for public outdoor recreation?

Research and Analysis:

1. Research the historical availability of recreation lands.
2. Review and monitor the current status of lands available for public outdoor recreation.
3. Collect and analyze approaches other states take to balancing liability and land availability.
4. Review injuries on recreational land that have not resulted in liability for the landowner.
5. Analyze the concept of "artificial" conditions and whether mixed man-made/natural situations should be considered "artificial."
6. Review and monitor court rulings interpreting landowner liability.

Committee Meetings:

1. Possible tour to mixed man-made/natural dangers that have (and have not) given rise to liability as an "artificial" condition.
2. Meetings to receive input and education on the availability of land for recreation, the hazards that cause damage, and needs for change.

Issue: Conservation Futures

Background:

Any county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation or nonprofit nature conservancy corporation or association, may acquire by purchase, gift, grant, bequest, or otherwise, except by eminent domain, the fee simple or any lesser interest necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land for public use and enjoyment. These entities may also specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are taxed at the current use assessment. Such developmental rights are termed "conservation futures."

For the purpose of acquiring conservation futures as well as other open space rights or interests in real property, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation of all taxable property within the county. Amounts placed in a conservation futures fund may be used solely for the purpose of acquiring these conservation futures and open space rights and interests. Questions have arisen as to whether the purposes for which the conservation futures levy is allowed should be expanded.

Questions to Explore:

1. Why are only approximately one-third of the counties levying this tax?
2. For what purpose is this tax mainly being used (e.g., purchase of property or purchase of development rights)?
3. Should this levy be used for development, maintenance, and operation of real property acquired by revenues from this levy? If affirmative, should these new uses be limited to a percentage of the revenues from the levy?

Research and Analysis:

All counties will be contacted and data collected as to the various uses of these funds. Those counties not levying the conservation future tax will be asked why they are not using this source of funding. An attempt will be made to gauge local sentiment for an expansion of the use of these funds.

Issue: Joint Task Force on Local Government

Background:

SHB 2392 created a 17 member task force to study the delivery of governmental services and the allotment of revenues and collection of various fines and forfeitures. The joint task force consists of eight legislators (two of whom are the chair and ranking minority member of the committee on state and local government) as well as representatives from local government associations and the office of the governor. The joint task force must commence by July 1, 2000, and present an interim report of its findings and recommendations during the 2001 session. A final report and recommendations is due January 1, 2002. The staff of Senate Committee Services and Office of Program Research will provide support. Committee staff assumes that it, along with others, will be part of this effort. The task force is to appoint "experts and advisors as nonvoting members to provide information."

Questions to Explore:

1. Are services being delivered by the most appropriate level of government? If not, should shifts in responsibilities or revenue sources be considered?
2. Is there "competition" for the revenues to support these services?
3. How adequate is the funding for these services?
4. What unfunded mandates exist and to what extent should the service provider be compensated for those mandates?
5. Should concepts such as tax-base sharing be analyzed?
6. Can infrastructure be adequately funded?

Research and Analysis:

1. Previous studies will be consulted. Models developed by various local government associations, the Office of Financial Management, and legislative staff will be analyzed.
2. Discussions will be held with local government elected officials as well as local government revenue and budget experts. It is presumed that meetings will be held around the state.

Issue: Continued Use of the General Contractor/Construction Manager (GC/CM) and Design-Build Alternative Contracting Procedures

Background:

These alternative contracting procedures are scheduled to expire on June 30, 2001. In order to make an informed decision as to the efficacy and continuation of these procedures, the Temporary Independent Oversight Committee, working with a professor at the University of Washington and a professor at Washington State University, designed a questionnaire to be sent to all those who have participated in any phase of these contracting procedures. Responses will be analyzed by the committee. The chair of the committee on state and local government is a member of this temporary committee. The

legislation sponsored by the temporary committee is assigned to the committee on state and local government.

Questions to Explore:

1. Are these processes open to all responsible contractors?
2. Are contracts being awarded to a representative sample of all contractors or are the contracts being awarded to just a relatively few firms?
3. Are projects more tailored to the user's specifications than under design-bid-build procedures?
4. Are these projects being completed within budget and on time?
5. Has litigation or threat of litigation been reduced?
6. Should these alternative public works contracting procedures be made permanent?
7. Should the authorization for use of these alternative procedures be expanded?

Research and Analysis:

The above-mentioned university professors as well as experts from the contracting and labor communities are regularly called upon to attend committee meetings.

Issue: Special Purpose Districts' Compliance with the Growth Management Act

Background:

The comprehensive plan of a county or city that is required or chooses to plan under the Growth Management Act (GMA) must consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop the comprehensive plan. The plan must be an internally consistent document and all elements must be consistent with the map of future land uses. Each comprehensive plan must be adopted and amended with public participation and each comprehensive plan must include a plan, scheme or design for each of the following: (1) a land use element; (2) a housing element; (3) a capital facilities plan element; (4) a utilities element; and (5) counties must adopt a rural element.

State agencies must comply with the local comprehensive plans and development regulations. However, there is no explicit requirement for special purpose districts to comply with comprehensive plans and development regulations or county-wide planning policies adopted under the GMA. The functions of the special purpose districts arguably can influence and can be influenced by the comprehensive planning conducted under the GMA.

Questions to Explore:

1. Should special purpose districts be required to comply with local comprehensive plans and development regulations and county-wide planning policies?

2. Should special purpose districts have the right to appeal the countywide planning policy to the Growth Management Hearings Board?
3. Must the local comprehensive plan and development regulations be required to be consistent with the countywide planning policies prior to the special purpose districts' compliance?
4. What procedural process should be used to structure coordination among the local jurisdictions and special purpose districts?

Research and Analysis:

Willingness of the American Planning Association, county and city government, special purpose districts, the environmental groups and the residential and commercial builders and developers to participate in discussion of these issues will be determined.

Issue: Accommodating Growth and Encouraging Economic Development

Background:

Numerous bills have been introduced during the past several sessions that address housing densities, regulatory restrictions, streamlining of permit processes, flexible performance standards, reducing barriers to economic development, and other development-oriented issues. However, concerns are always expressed regarding goals, performance measures, incentives, and funding. It has been argued that affordable housing, developing jobs near the workplace, and planning for a diversified economy are goals that cities and counties are finding further and further out of reach.

Questions to Explore:

1. How can the local decision making process be integrated such that planning, land use, and environmental laws are all taken into consideration?
2. Are there barriers to economic development? If so, how can those barriers be reduced?
3. What kinds of incentives can be utilized to encourage targeted development?
4. Can density be increased in urban areas while still meeting other Growth Management Act goals?
5. How can we best ensure affordable and available housing?
6. What types of performance measures can be an accurate gauge of accommodation of growth?
7. What funding options are available?

Research and Analysis:

Representatives of various interest groups will be invited for a continuation of roundtable discussions commenced during the previous interim.

Transportation

786-7300

Issue: Blue Ribbon Commission on Transportation Recommendations

The Blue Ribbon Commission on Transportation (BRCT) was created by the Legislature and the Governor in 1998, to conduct a comprehensive analysis of statewide transportation needs and priorities. Transportation governance, efficiency, investment policies, and funding are some of the issues the BRCT is addressing and upon which it will report to the Legislature prior to the 2001 Session.

Questions to explore:

1. Transportation governance:
 - How can transportation governance be improved to make it more accountable and better address current challenges?
 - What opportunities are there to consolidate functions and activities among jurisdictions and agencies and what transportation activities or programs can be eliminated or reduced?
2. Transportation efficiency:
 - How can approaches such as funding flexibility, reducing maintenance costs, changing the permit process, promoting innovation in project development, and making transportation a factor in land use decisions improve efficiency?
 - What processes are likely to result in cost savings and what is the savings potential?
3. Transportation investment finance:
 - What are the appropriate levels of investments in transportation programs and modes and the future funding needs for transportation?
 - What are the appropriate mechanisms, including non-traditional sources, to fund future transportation programs?
4. How can transportation funds be distributed more effectively to accomplish specific objectives?

Research and Analysis:

1. Review work and deliberations of Blue Ribbon Commission on Transportation (BRCT), the Transportation Commission, and other agencies.
2. Examine or develop other work on agency restructuring, performance measurement, and improving efficiency.
3. Conduct, as warranted, an assessment of other approaches, including those in other states and in local communities.
4. Hold committee meetings to hear from the BRCT.
5. Examine revenue alternatives proposed by the BRCT and others, and determine whether investment alternatives address transportation policies and objectives.
6. Review six-year programs of transportation agencies, including the development of a six-year, new law budget by the Transportation Commission.
7. Monitor the development of recommendations from the BRCT.

8. Report (by BRCT) to the Legislature prior to the 2001 session.

Committee Meetings:

Briefings by the Blue Ribbon Commission will be scheduled as appropriate.

Issue: Mandatory Impound Laws

Background:

Impound laws are increasingly viewed as an additional tool for law enforcement. In 1998, the Washington Legislature enacted laws requiring law enforcement officers to impound a vehicle when a driver has a suspended license. During the 2000 legislative session, the Legislature considered a bill to require law enforcement officers to impound a vehicle when an individual does not have mandatory liability insurance.

Questions to Explore:

1. When do other states require law enforcement officers to impound vehicles?
2. Is there a relationship between impounding vehicles and increased compliance with the law?
3. What adverse impacts result from using mandatory impounds as a tool for enforcing the law, and how should they be addressed?

Research and Analysis:

1. Collect, review and summarize other states' statutes requiring mandatory impound of vehicles.
2. Collect and review research regarding the extent of a connection between mandatory impound laws and increased compliance with suspended license, liability insurance, or drunk driving laws.
3. Meet with stakeholders concerning the implementation of mandatory impound laws to determine any suggested technical changes to the appropriate statutes.

Issue: Railroad Safety

Background:

Statistics from the Washington State Patrol indicate that in 1998, 10 people in Washington died in pedestrian-train accidents. By September of 1999, nine people in Washington died in pedestrian-train accidents. The Legislature considered railroad trespassing bills in the 1998, 1999 and 2000 legislative sessions.

Questions to Explore:

1. How many trespassing arrests and convictions are made on railroads yearly?
2. Do other states have trespass laws specifically addressing railroad trespassing?
3. Do states with railroad trespass laws experience fewer pedestrian-train accidents?
4. How do other states address reversionary property owners in their trespass laws?

Research and Analysis:

1. Collect, review and summarize railroad trespass laws in other states.
2. Review and summarize research regarding the extent of railroad trespassing and whether specific railroad trespass laws diminish the number of trespassers.
3. Review and summarize various railroad safety programs.
4. Review and summarize methods to address reversionary property owner concerns.
5. Meet with stakeholders and compile concerns and suggestions regarding specific railroad trespassing legislation.

Issue: Railroad Rights-of-Way, Spokane Valley**Background:**

The Union Pacific Railroad and the Burlington Northern Sante Fe Railroad run parallel to each other, but on separate rights-of-way, through most of the Spokane Valley. As a result of the parallel railroad tracks, for each arterial, two overpasses must be built to cross one area of railroad tracks. There is concern that building several overpasses would be costly. A provision in the 2000 Supplemental Transportation Budget directs the Department of Transportation (DOT) to assess this issue.

Questions to Explore:

1. What is the cost of constructing grade separation between specific roadways and the railroad lines running through Spokane?
2. What is the potential for consolidating the parallel railroad rights-of-way into a single corridor; and how does this cost affect the cost of constructing overpasses?

Research and Analysis:

1. DOT is directed in the 2000 Supplemental Transportation Budget to work with the Utilities and Transportation Commission and the Spokane Regional Council to make recommendations to the committee.
2. Staff will monitor progress of the study.
3. A status report on the study must be provided to the committee by December 1, 2000.

Issue: Operation of Rest Areas**Background:**

During the 2000 legislative session, a bill calling for privatization of rest area operation was introduced. For the opportunity to operate a traveler service business at the rest area, private businesses would pay for maintenance of the rest area. A study is included in the 2000 Supplemental Transportation Budget, directing the Department of Transportation (DOT) to identify current services at rest areas and alternative methods to provide those services.

Questions to Explore:

1. What facilities are currently being operated by Washington State and what services are being provided?
2. How do Federal Highway Administration rules and other state policies affect what charitable groups and private businesses can operate at rest areas?
3. What service do other states provide at rest areas on state highways, and how are those services provided?

Research and Analysis:

1. Monitor the DOT study, which is to be completed by December 1, 2000.
2. Determine if any interest exists for private businesses or charitable groups to be involved in operating a facility.
3. Collect, review and summarize the available information from other states.

Issue: Public-Private Initiative Projects**Background:**

The 1993 Legislature created the Public-Private Initiatives Program (PPI) within the Department of Transportation (DOT). The purpose of the PPI program is to engender opportunities for private entities to undertake all or a portion of the study, design, finance, construction, operation, and maintenance of transportation systems and facilities. After a public advisory vote on a project, DOT may enter into an agreement with the private entity. The agreement is structured to provide the private entity with a reasonable rate of return through user fees or tolls. State oversight of the agreement includes project audits and limiting the user fee or toll rate to not exceed the capital outlay of the project. Capital outlay of the project can include the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce and maintain the facility.

Questions to Explore:

1. What is the potential for current and future PPI projects?
2. What concerns exist regarding the PPI process, and how can these concerns be addressed?

Research and Analysis:

1. Examine PPI projects and monitor compliance with agreements.
2. Analyze concerns raised by citizens and legislators regarding PPI projects.
3. Schedule at least one hearing.

Committee Meeting:

At least one public meeting will be conducted to review the Tacoma Narrows project.

Issue: Ferry System Study

Background:

Current law requires that private ferry operators apply to the Washington Utilities and Transportation Commission (WUTC) for a waiver if they wish to operate a ferry service within 10 miles of a Washington State Ferry service run. There are no state provisions for public-private ferry operations. Passage of I-695 eliminated a dedicated stream of revenue to the ferry system. Other public sector and private interests have expressed an interest in operating passenger-only ferry service. The 2000 Supplemental Transportation Budget established a Joint Task Force on Ferries made up of legislative members and representatives of ferry riders, non-ferry riders, labor, the Office of Financial Management, and transit to examine specific issues related to the ferry system.

Questions to Explore:

1. What should be a long-term goal for recovery of operating costs from ferry fare revenues?
2. What are the options for future ferry service levels?
3. What is the feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships?
4. What are the short-term and long-term capital needs of the ferry system?
5. Other issues identified by the joint task force.

Research and Analysis:

1. The Joint Task Force on Ferries will be examining the issues identified above.
2. Analysis will be conducted as appropriate to address the needs of the task force.
3. Senate and House Transportation Committee staff will provide staff support.
4. The task force shall report to the Legislature at the beginning of the 2001 legislative session.

Issue: State Parks Capital Roadway Projects

Background:

An ongoing issue with the transportation budget is the use of transportation funds for improvement and preservation of roads in state parks. The 2000 Supplemental Transportation Budget directs that a legislative subcommittee be established to address the issue of funding for State Parks capital roadway projects and determine the funding source. The eight-member subcommittee is made up of two members each of the House Capital Budget Committee, the Senate Ways and Means Capital Budget Subcommittee, and the House and Senate Transportation Committees.

Questions to Explore:

1. What are the capital needs for roadways in state parks?
2. What funding source, transportation or general fund, should be used for roadways in state parks?

Research and Analysis:

1. Examine the roadway component of capital facility plans for the State Parks system.
2. Review roadway projects funded in the 1999-01 biennium.
3. Report findings and recommendations to the four respective fiscal committees by December 1, 2000.

Issue: Chehalis Basin Study**Background:**

In 1990 and 1996, flood events closed Interstate 5 in the Chehalis Basin. The economic impact of closing Interstate 5 (I-5) during these flood events was estimated at \$40 to \$50 million per day. In 1998 the Department of Transportation (DOT) began studying capacity increases to I-5 in this vicinity, including lane widening and elevating the highway. Concerns were raised that the \$110 million needed to elevate the interstate would act as a dike and could further exacerbate flooding in the Chehalis Basin. In addition, federal and local watershed management proposals have been presented which suggest flooding could be reduced, and therefore reduce DOT's construction costs. This led the 1998 Legislature to provide funding for a "technical committee" to develop a feasibility study for long-term, watershed-based solutions to flooding within the Chehalis Basin. The 2000 Supplemental Transportation Budget provides \$1.5 million in funding to continue the technical committee's work.

Questions to explore:

1. What alternative flood stage reduction measures are available to address highway flooding?
2. Instead of elevating I-5, are there adjacent transportation facilities (i.e., city streets and county roads) that could be improved as a temporary bypass facility?
3. What local development practices could be implemented to reduce flood impacts to I-5?
4. Will this feasibility study meet federal transportation and US Army Corps of Engineers criteria?

Research and Analysis:

1. The technical committee will continue examining the issues identified above.
2. Senate Transportation Committee staff will monitor meetings and activities.
3. DOT will provide a report to the Senate and House Transportation Committees by December 2000.

Ways & Means

786-7715

Issue: Distribution of I-695 Replacement Funding for Local Government

Background:

The 2000 Supplemental Budget provides \$135 million of state support to replace a portion of local public health, county and city Motor Vehicle Excise Tax (MVET) revenues that were eliminated by the passage of Initiative 695. The initiative not only eliminated funding but also effectively eliminated many of the policy guidelines for distributing funds to local governments including the sales tax equalization formula and public health distributions. Local criminal justice distributions still exist in statute and some general fund resources still are distributed through those formulas.

The 2000 Supplemental Budget further expresses the intent of the Legislature that the funding shall be continued in the 2001-03 biennium and also establishes a legislative task force to recommend a new method of distributing the funds to local jurisdictions. The task force consists of eight legislative members, representatives from the cities and counties and state government representatives from the Office of Financial Management and the Department of Community Trade and Economic Development. Recommendations on distributions are due to the Governor and the Legislature by November 1, 2000.

Questions to Explore:

1. What is the existing tax capacity of local jurisdictions relative to the funding gap created by the elimination of the MVET revenue distribution?
2. How did the MVET sales tax equalization formula work to encourage or discourage incorporations?
3. How did the MVET local government criminal justice distributions fit into the overall funding for criminal justice activities?
4. To what extent did local government tax and fee increases subsequent to the passage of I-695 ameliorate the MVET revenue losses?
5. What policy goals is the Legislature attempting to address through the distribution of these funds? Should the previous systems be recreated or should the new funds be used to address a different set of priorities?
6. What implementation issues accompany different distribution scenarios?

Research and Analysis:

1. Collect, analyze, and summarize information on the tax authority and tax effort by jurisdiction.
2. Review and summarize local government tax and fee increases from July 2000, through January 2001.
3. Summarize the state MVET funding distribution prior to the passage of I-695 and identify the policy goals that the various distributions were targeted to achieve

4. Work with local jurisdictions and their representatives to craft an alternative proposal(s) for consideration by the 2001 Legislature.

Issue: Nursing Home Capital Payment System

Background:

The state will spend about \$110 million this biennium to reimburse nursing homes for the facility and equipment costs associated with caring for Medicaid patients. Such payments have increased by about 2 percent over the past two years, while the number of patients has decreased by about 6 percent. The current statutory payment system was originally due to sunset in June 1999, but the date was extended to June 2001 for further study of additional alternatives.

Questions to Explore:

1. What is the projected need for nursing home construction and renovation in Washington over the next 10-20 years?
2. How does Washington's Medicaid program currently determine the need for and the amount which it will pay for nursing home construction and renovation?
3. How does this system compare with those used by other states?
4. How does this system compare with the methods used to establish public financial support for facilities such as schools, jails, hospitals, and assisted living apartments?
5. What are the perceived advantages and disadvantages of these various systems?
6. How might desirable elements of the various approaches be integrated and operationalized into a new system for use in Washington's program?

Research and Analysis:

1. Estimate the potential need for nursing home construction and renovation based on projected age-adjusted utilization rates, occupancy levels, and current facility conditions.
2. Collect, analyze, and summarize information on the characteristics, need for, and cost of projects which have received new capital funding over the past several years.
3. Review and summarize 1998 assessment of payment systems in other states.
4. Identify and summarize how the level of state financial support is currently established for other public-service facilities, and how such approaches might be adapted to the nursing home industry.
5. Gather and summarize stakeholder comments on the advantages of alternative approaches.
6. Craft alternative proposal(s) for consideration by the 2001 Legislature.

Issue: State Library Mission, Programs and Usage Study

Background:

Library technology and operations have evolved rapidly in the last decade while the Washington State Library's equipment, facilities, and operational model are constrained by space and funding limitations. The State Library has requested and received funds to conduct a study of missions, programs and usage of the library. Funding was provided in the 2000 Supplemental Budget to the Washington Institute for Public Policy to coordinate the study.

The budget also included the Pritchard Library building within the scope of work for the capitol campus space programming study. This study deals with space usage and need in the Legislative Building and the surrounding facilities. The two studies will have significant overlap in policy and funding issues. The capitol campus space programming study will be guided by criteria developed by the State Capitol Committee (Governor, Lt. Governor, Secretary of State and Commissioner of Public Lands) in conjunction with a legislative task force of two members from each chamber.

Questions to Explore:

1. What are the core services provided by the library and how have they changed over time?
2. Who are the users of library services and how do users access services?
3. Are existing services consistent with the core mission of the library? What alternative methods exist to provide these services?
4. What other agencies (state/local/private) provide these services?

Research and Analysis:

1. Collect, analyze, and summarize information on the new and innovative library services in other organizations.
2. Review and summarize existing planning documents, mission statements and customer surveys.
3. Solicit additional stakeholder input for key users.
4. Develop probable scenarios regarding future technological changes in the delivery of library services.
5. Review space programming study and functional analysis in light of mission statement review.

Issue: Citizen's Guide to Local Government Budget & Finances

Background:

In November of 1999, the voters passed Initiative 695, which reduced revenues to counties, cities and public health districts by approximately \$274 million during the 1999-01 biennium. In the 2000 Supplemental Budget, the Legislature appropriated \$135 million to local government to offset some of this revenue loss. A local government task force will be

established to make recommendations for on-going funding assistance to local governments.

During the 2000 session, concerns were expressed that policy makers and citizens did not have access to concise, easy to understand information on local government revenue and expenditures.

Questions to Explore:

1. What are the major sources of revenue for counties, cities and public health districts? How have these changed over time?
2. What are the major expenditures for counties, cities and public health districts? How have these changed over time?
3. What types of financial assistance does the state provide to local governments?
4. Besides counties, cities and public health districts, what are the revenues and expenditures of other types of local governments (e.g., water and sewer districts, fire districts, school districts, etc.)?
5. What are the current and future fiscal challenges for local governments?

Research and Analysis:

1. Create a citizen's guide to local government budget and finances similar to the existing "Citizen's Guide to the State Budget, December 2000."

Issue: Identify Legal & Fiscal Issues Related to Involuntary Commitment of Persons with Developmental Disabilities Who Are a Danger to Self or Others

Background:

The Department of Social and Health Services is seeking an out-of-court settlement in a lawsuit alleging discriminatory treatment of persons with developmental disabilities at the state psychiatric hospitals. The 2000 Supplemental Budget provided \$18.6 million to improve services for this population. The budget further provides \$150,000 to support a legislative study of the legal and fiscal issue related to long term solutions for improved care for persons with developmental disabilities who are a danger to themselves or to persons in the community. Note that this is a joint project with the House of Representatives, Office of Program Research.

Questions to Explore:

1. What are the legal issues under Medicaid rules and the Americans with Disabilities Act (ADA) that would influence long-term treatment options for this population, and for other persons with developmental disabilities?
2. What are the costs for various treatment options for this population and what are the resulting fiscal issues for the state developmental disabilities and mental health systems?

Research and Analysis:

1. Survey a sample of states to determine existing treatment and commitment options.
2. Obtain legal and fiscal analysis through contracted consultants.

Final Product:

A report to Chairs of Senate Ways & Means Committee, Senate Health and Long-Term Care Committee, House Appropriations Committee, and House Children and Family Services Committee.

Issue: Health Benefit Premium Increases**Background:**

Health benefit premiums increased by over 12 percent for calendar year 2000, and the Health Care Authority is projecting another 12 percent increase for calendar year 2001. Increased costs for employee health benefits have the potential to have a big impact on the 2001-03 operating budget. In order to understand the potential magnitude of the impact as early as possible, early indicators of premium increases will be tracked, including premium increases in other states and for other Washington employers. In addition, fiscal information from the Health Care Authority on the financial status of the state's self-insured Uniform Medical Plan [UMP] will be closely monitored.

Questions to Explore:

1. How do state employee health care benefits compare with benefits provided by other states, local governments and the private sector?
2. How do state employees monthly premiums, deductibles, and co-pays compare with other state, local government, and private sector plans?
3. How much does the expansion of coverage to include domestic partners increase plan cost?
4. How does the average monthly claims experience of the UMP in calendar year 1999 and 2000 compare to the claims experience of the PEBB managed care plans, and to what extent will higher-than-expected claims in the UMP require increases in employee premiums for PEBB managed care plans for 2001?
5. What purchasing and plan design strategies are being used by other large employers to restrain employer cost increases?

Research and Analysis

1. Review health insurance benefit contribution level data collected by Department of Personnel (DOP) as part of the 2000 salary survey process. See if DOP has contacts for a sample of Washington State private sector employers.
2. Contact Oregon Public Employees Benefits Board, California Public Employees Retirement System, and two or three other states regarding their state employee health insurance purchasing process and time lines.
3. Review comparative information collected in the Washington City and County Employee Salary and Benefit Survey, by the Association of Washington Cities.

4. Review the results of the most recent employer surveys conducted by Wm. Mercer, the Employee Benefits Research Institute, and other similar organizations.
5. Contract with actuarial consulting firm regarding comparative information, and premium/benefit plan design options.

Issue: Pension Contribution Rates

Background:

The Pension Funding Council is required by statute to adopt the pension contribution rates for the upcoming biennium by September 2000. In addition, the Council is charged with overseeing an independent audit of the actuarial valuations of the pension systems conducted by the Office of the State Actuary. Along with other members of the pension funding work group, staff support will be provided to the Council in the form of writing and administering the request for proposal for the independent actuarial audit at the direction of the Council; reviewing the audit findings; and reviewing and analyzing the results of the actuarial valuations.

Questions to Explore:

1. How much will the amortization period for fully funding all PERS Plan 1 and TRS Plan 1 liabilities be reduced by assets set aside for that purpose under the "gain-sharing" statute?
2. How will the implementation of SERS Plans 2 and 3 in September 2000, and of PERS Plan 3 in 2002, impact projected contribution rates for the 2001-03 and 2003-05 biennia?
3. How would contribution rates be impacted in the 2003-05 biennium if they are reduced for 2001-03 and the equity markets suffer losses between 2000 and 2001.

Research and Analysis:

1. Participate with Pension Funding Council workgroup in retention of an actuary to conduct audit of valuation studies.
2. Solicit information from Office of the State Actuary.

Issue: Enrollment, Capital Construction and Renewal of State Higher Education Facilities

Background:

Growth in state expenditures for debt coupled with actual interest rates will affect bond funds available next biennium. Present estimates from the Office of the State Treasurer and the Office of Financial Management are \$100 million less in General Obligation (GO) bonds than were anticipated in the governor's ten-year capital plan for Washington. At the current pace of new enrollments, if all facilities currently contemplated in capital development plans are built, the Higher Education Coordinating Board suggests the state will need to commit more than half of available bond authority to higher education. The revenue shortfall between expected cost and plans for 2001-03 is projected to be \$41

million and that gap could triple in 2003-05. This outlook suggests that the committee should anticipate a need to prioritize capital projects due to limited available funds.

Questions to Explore:

1. Are higher education capital projects in cue going to relieve access pressure or improve state functional capacity and to what degree relative to cost? What was the original rationale for inclusion in the state plan and does that still hold as the next round of projects come up for design or construction funding in 2001? What will it cost to occupy and maintain those facilities in future operating budgets?
2. With a focus for the last decade on building branch campuses, what's the state of facilities on main campuses? Does the state now need to focus on preserving and maintaining existing facilities in high demand that no longer meet present-day educational program requirements? How much has been deferred? What are the cost implications, options and tradeoffs in light of the scope and expectations tied up in the state's present 10-year capital plan?
3. What are the likely patterns of new enrollment in the next four years and does that match up with the state's planned capital investments? What might this state do by way of fiscal policy to influence enrollment demands?

Research and Analysis:

Conduct a cost/benefit assessment considering the impact of planned capital projects on access and functional capacity in the state higher education system. Provide this assessment along with other fiscal data and project background to facilitate a discussion among the committee of capital budget alternatives for 2001-03. To accomplish this, staff will review available budget documents, institutional strategic plans, conduct site visits and informational interviews as necessary to answer the above questions and prepare briefing documents by January 2001.

