

JANUARY 2021

FEDERAL ISSUES



About WSAC

Created in 1906, the Washington State Association of Counties (WSAC) serves the counties of Washington State. WSAC members include elected county commissioners, council members and executives from all of Washington’s 39 counties. WSAC provides a variety of services to its member counties including advocacy, training and workshops, and a forum to network and share best practices.

On federal issues, WSAC works in conjunction with the National Association of Counties (NACo).



Core Member Services

- Professional Development & Training
- Business Programs and Services
- Advocacy with the Legislature and Executive Branch Agencies

Collaborative Opportunities

- Gather input and survey counties about your issues.
- Disseminate information.
- Coordinate response/action on common issues.
- Provide venues for presentations and dialogue amongst members.

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2021

State Legislative Agenda

In Washington, state government's strength and the strength of the state's 39 counties are interdependent and mutually reinforcing. State government's success requires thriving, flexible, front-line implementation partners in counties. Counties' success requires an active, resourceful, supportive partner in state government. **Here is how Washington's 39 counties and Legislature can work together to make urgent progress on shared priorities in the 2021 Legislative Session:**



RESPONDING TO THE COVID CRISIS

Disease Response

Adequate funding for case investigation, vaccination, and public outreach/education.

Disease Containment

Adequate funding for coordination of care for people isolated in quarantine who need support beyond testing.

Behavioral Health

Adequate funding for the behavioral health system, including jails.

Affordable Housing

New investment in stabilizing housing situations for tenants and homeowners.

Government Operations During the Pandemic

Modifying Washington's existing Open Public Meeting Act and Public Records Act to preserve their spirit while ensuring compliance.

Local Budget Impacts

Remove restrictions and allow flexibility for counties to spend certain funds without new unfunded mandates.



COMBATTING CLIMATE CHANGE AND PROTECTING OUR ENVIRONMENT

Climate Change

Adequate funding and flexibility to adapt any new climate change impact reduction responsibilities to local conditions.

Salmon Habitat*

Adequate funding for repairing or replacing thousands of fish-blocking culverts in our stream systems to ensure the state is in full legal compliance.

Forest Health

New resources for improving forest health, enhancing fire resiliency, responding and containing wildland fires, rehabilitating affected areas, and coordinating prescribed burns.

Waste Management

Restore lapsed funding for local garbage and recycling programs.

Growth Management

Greater flexibility in managing growth, and a new, reliable, sustainable funding source for planning requirements, and funding for any new ones.

Water Quality and Water Supply

Dedicated funding for state programs that improve water quality or support and enhance water supplies to ensure counties' effective implementation.

2021 State Legislative Agenda (continued)



ENDING RACIAL DISPARITIES AND SOCIAL INEQUITIES

Health Disparities

Stable and adaptive funding for public health departments to increase capacity, modernize, and manage emerging threats and longstanding health impacts.

Public Defense

Adequate funding for trial court public defense costs to ensure the constitutionally protected right to a defense attorney for all.

Medicaid Benefits While Incarcerated

Obtain a federal waiver to maintain Medicaid benefits for pretrial, incarcerated individuals.



MAKING LONG-TERM INVESTMENTS, SECURING LONG-TERM SOLVENCY

Road Maintenance

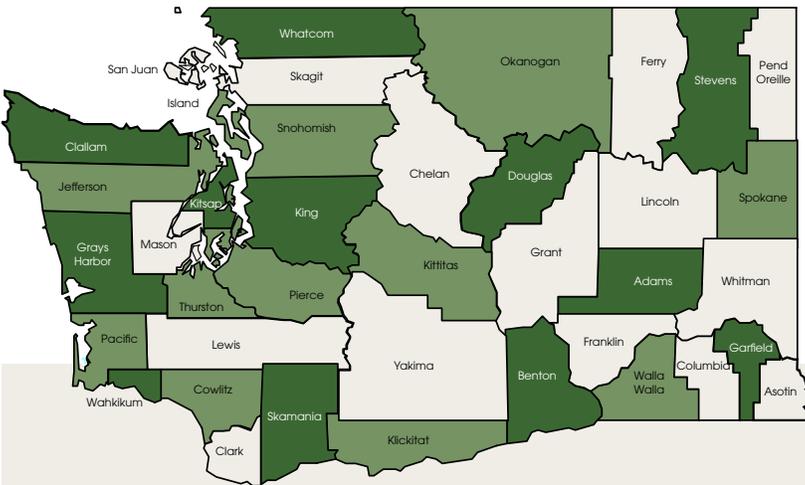
Reliable, sustainable funding for county transportation budgets.

Capital Investments

New investment in county sewer, water, landfill, and building the infrastructure necessary to keep communities safe and functional.

Fiscal Solvency

New authority for counties to control their cost drivers and grow revenue sources that keep pace with increasing costs.



WSAC is working to secure the fiscal sustainability of all 39 counties by advancing legislation to control cost drivers and provide adequate revenue.

Counties are responsible for providing essential services to every resident in the State of Washington. Yet, in a time of economic prosperity and population growth, counties are faced with budget shortfalls that are leaving critical investments in criminal justice, public health, and infrastructure at risk. Enacting the Washington State Association of Counties' 2020 legislative priorities will provide needed relief to county budgets and invest in the services counties provide to all Washingtonians.

WSAC Federal Priorities

COVID-19 Pandemic Relief Assistance and Support

Washington's 39 counties express our thanks and appreciation to Congress for the initial investment to aide counties as we assist our communities, families, businesses, and individuals respond and recover from devastating health and economic impacts from the ongoing COVID-19 pandemic.

All counties, regardless of size and population, need access to additional direct, equitable, flexible, stable, and long term funding to respond to this pandemic, rebuild the economy, and strengthen our communities. The initial Coronavirus Relief Fund, a part of the CARES Act, has provided nearly \$950 million to our 39 Counties and 35 Local Public Health Jurisdictions.

Counties are the frontline response to population based public health in Washington State and the COVID-19 Pandemic Response. **Counties and Local Health Jurisdictions are:**

- Providing timely and culturally appropriate information and messaging to communities
- Conducting case contact tracing and investigation of positive cases and outbreaks
- Coordinating complete care for families and individuals in isolation and quarantine
- Partnering with healthcare, emergency management, and state agencies to access PPE, conduct testing, implement isolation and quarantine facilities, and prepare for and implement mass vaccination plans
- Recommending safety practices and providing technical assistance for businesses, schools, and other institutions implementing State of Washington's "Safe Start" reopening plan

The Coronavirus Relief Fund expired for Washington State counties November 30, 2020. **WSAC asks Congress to approve legislation that provides for:**

- Extending deadlines for states (and therefore counties) to spend Federal Coronavirus Relief Funds in the CARES Act;
- Equitable distribution to local governments.
- Flexibility to use current and future funding to deliver critical services to residents, including those suffering from the economic, health and mental health challenges due to COVID-19 virus;
- New and additional Coronavirus Relief funding that provides additional direct, flexible, federal aid to counties of all sizes to support:
 - Disseminating culturally appropriate information to businesses and residents
 - Testing
 - Quarantine and isolation sites
 - Conduct contact tracing and investigation
 - Community assistance for a wide range of support for K-12 education, small businesses, food banks, housing assistance, utility assistance
 - Provide community support
 - Coordination with medical community
 - Provide accurate information throughout communities
 - Preparing for mass vaccination and implementing state and local plans;
 - Shortages in supplies; Testing, PPE, syringes – vaccine equipment and kits needed.
 - Respond to community impacts including poor educational achievement, public health, social, economic, and health effects from the pandemic, including increases in substance use, mental and behavioral health needs, and suicide.
 - Multi-year recovery needs to include economic recovery for individuals and businesses and also include public health infrastructure to address the increase of the health impacts.

Medicaid Inmate Exclusion

The Social Security Act (Sec. 1905(a)(A)) prohibits use of federal funds and services, Children's Health Insurance Program (CHIP) and Medicaid, for medical care provided to "inmates of a public institution." This federal law, known as the "Medicaid Inmate Exclusion Policy" does not differentiate between a convicted inmate and a person incarcerated prior to conviction.

Congress needs to ensure rapid reinstatement federal health care benefits for non-convicted justice involved individuals. Congress must address the crisis caused by this callous Medicaid inmate exclusion policy that strips individuals that are *still presumed innocent* of their federal benefits. The disruption in continuity of care for individuals caused by this federal regulation, especially for those with complex medical & behavioral health conditions, is of primary concern. This regulation impairs the ability to achieve good health outcomes as individual's transition in and out of our county jails and corrections system. Counties also struggle to

contain uninsured costs when inmates lose benefits, driving medical cost even further. This can result in early release and the dropping of charges to contain medical costs. **WSAC supports the following legislation:**

- H.R. 1345 Restoring the Partnership for County Health Care Costs Act
- S.2626 Restoring Health Benefits for Justice Involved Individuals Act
 - This proposed legislation would remove limitations on inmate eligibility for Medicare, the Children's Health Insurance Program (CHIP) and veteran's health benefits.
- S 2628 Equity in Pretrial Medicaid Coverage Act
 - This proposed legislation would amend Title XIX of the Social Security Act to remove a limitation on an individual's eligibility for medical assistance under the State Medicaid plan while the individual is in custody pending disposition of charges.

Infrastructure

Washington State is expected to grow by two million new residents over the next 20 years, and it will take significant infrastructure investment to assure we maintain and sustain a strong, competitive economy with thriving communities.

A collaborative project in 2017, and updated in 2020, of four Washington State associations (Business, Ports, Cities, and Counties) found "Washington's infrastructure needs are estimated to be more than \$190 billion." This study, *Building the Economy: Infrastructure Needs in Washington* found

the total investment would result in an estimated 600,000 to 660,000 direct and indirect job-years. The Washington State Association of Counties (WSAC) supports additional federal funding for critical public infrastructure to support a vibrant economy, public health and safety, and a sustainable environment. **Specific examples of identified critical infrastructure include:**

- Bridges
- Transit and Roads
- Freight Rail
- Aviation
- Wastewater
- Marine Ports
- Broadband
- Water Supply
- Stormwater
- Natural Resources
- Fish Barrier Removal
- Jails
- Renewable Energy and Distribution
- State and Local Ferries
- Water Storage and Distribution
- Infrastructure Resiliency

Catastrophic Wildfires

Congress and the Administration must act to reduce the threat of catastrophic wildfire. A joint study conducted by the Washington State Department of Natural Resources, the United States Forest Service, and The Nature Conservancy found the 2.7 million acres of eastern Washington forestland is in need of restoration. Federal lands accounted for 42 percent of the unhealthy forest identified.

Catastrophic wildfires destroy public lands, jeopardize access to vital resources, decrease biodiversity, and impact public health and safety. WSAC believes that a comprehensive approach is necessary to address this growing threat to communities. **This includes:**

- Active forest management;
- Fire mitigation, preparedness, response and recovery efforts;
- Wildfire smoke impact prevention;
- Addressing regulatory burdens that hinder management activities;
- Stopping frivolous lawsuits;
- Ensure adequate air assets
- Ensuring agency budgets are adequate; and
- Avoiding (electric) utility shut offs that put human health at risk by properly maintaining utility corridors.

Payments in Lieu of Taxes

Payments in Lieu of Taxes (PILT) is a vital funding mechanism to ensure counties receive a property tax like compensation for federal lands within their boundaries.

It is imperative that Congress extend full, predictable, and permanent mandatory funding for the (PILT) program, which compensates counties for tax-exempt federal land within their boundaries and for the services they provide on tax-exempt public lands within their boundaries.

In Federal Fiscal Year (FFY) 2019, Washington's counties (37 of 39) received \$24 million in PILT.

There are two other important payments provided to counties from the Federal Government:

- Refuge Revenue Sharing Act Payments to 24 counties, \$608,100
- Department of Energy PILT (Hanford) to 3 Counties

PILT funds are distributed with other local taxing districts that received property tax within the jurisdiction.

Secure Rural Schools

Equally important to PILT is permanent reauthorization and funding of the Secure Rural Schools (SRS) program. We support the concept of funding SRS via a trust fund that is established with a one-time infusion of federal funds and annually adding the historic 25% of all forest revenue dollars to the trust. This would restore funding levels back to historic

25% funding level counties received with inflation built into the payment mechanism.

In Federal Fiscal Year (FFY) 2019, Washington's counties (26 of 39) received \$13.9million in SRS funding, a decline from 16.1 million in FFY 2018

| County | SRS/Fed FY 2018 | PILT/Fed FY 2019 | Dept of Energy FY 2019 | DFW PILT 2017-2019 | DNR PILT FY 2018 | DNR/Timber 6Yr Annual Avg | Total | % of Total Revenue |
|----------------|-------------------|-------------------|------------------------|--------------------|------------------|---------------------------|--------------------|--------------------|
| Adams | - | 57,829 | - | 1,909 | 1,176 | - | 60,914 | 0.06% |
| Asotin | 55,096 | 168,566 | - | 36,123 | - | - | 259,785 | 0.25% |
| Benton | - | 177,773 | 1,020,811 | - | - | - | 1,198,584 | 1.18% |
| Chelan | 986,585 | 3,089,333 | - | 39,858 | 12,294 | - | 4,128,070 | 4.05% |
| Clallam | 757,260 | 1,043,662 | - | - | 1,819 | 6,028,583 | 7,831,324 | 7.68% |
| Clark | 3,289 | 2,002 | - | - | 2,003 | 5,461,088 | 5,468,382 | 5.36% |
| Columbia | 154,988 | 385,583 | - | 20,713 | - | - | 561,284 | 0.55% |
| Cowlitz | 106,957 | 22,666 | - | - | 1,630 | 1,960,960 | 2,092,213 | 2.05% |
| Douglas | 1 | 162,467 | - | - | 322 | - | 162,790 | 0.16% |
| Ferry | 666,000 | 810,960 | - | 22,798 | - | - | 1,499,758 | 1.47% |
| Franklin | - | 176,273 | 188,268 | - | 692 | - | 365,232 | 0.36% |
| Garfield | 102,291 | 234,090 | - | 12,744 | - | - | 349,125 | 0.34% |
| Grant | - | 775,287 | 604,063 | 71,930 | 131 | - | 1,451,411 | 1.42% |
| Grays Harbor | 270,444 | 280,524 | - | - | 93,493 | 1,508,651 | 2,153,112 | 2.11% |
| Island | - | 2,078 | - | - | - | - | 2,078 | 0.00% |
| Jefferson | 806,723 | 1,537,328 | - | - | 77,220 | 898,097 | 3,319,368 | 3.26% |
| King | 176,377 | 876,011 | - | - | 453,083 | 1,924,183 | 3,429,654 | 3.36% |
| Kitsap | - | - | - | - | 61,795 | 1,446,576 | 1,508,371 | 1.48% |
| Kittitas | 558,507 | 1,125,355 | - | 382,638 | 367,202 | - | 2,433,702 | 2.39% |
| Klickitat | 40,884 | 111,444 | - | 51,019 | 51,812 | 183,606 | 438,765 | 0.43% |
| Lewis | 1,457,153 | 514,991 | - | - | 1,490 | 5,421,144 | 7,394,778 | 7.25% |
| Lincoln | - | 244,852 | - | 13,535 | 376 | - | 258,763 | 0.25% |
| Mason | 263,773 | 288,550 | - | - | 21,595 | 4,637,518 | 5,211,436 | 5.11% |
| Okanogan | 1,406,716 | 2,611,138 | - | 264,036 | 124,901 | - | 4,406,791 | 4.32% |
| Pacific | - | 7,161 | - | - | 39,699 | 1,962,688 | 2,009,548 | 1.97% |
| Pend Oreille | 640,699 | 1,082,483 | - | 5,546 | - | - | 1,728,728 | 1.70% |
| Pierce | 182,113 | 822,875 | - | - | 595 | 377,462 | 1,383,045 | 1.36% |
| San Juan | - | 6,878 | - | - | 18,525 | - | 25,403 | 0.02% |
| Skagit | 414,388 | 1,218,476 | - | - | 294,001 | 9,569,318 | 11,496,183 | 11.28% |
| Skamania | 2,593,863 | 328,046 | - | - | 39,672 | 1,713,243 | 4,674,824 | 4.59% |
| Snohomish | 553,085 | 1,399,040 | - | - | 420,088 | 7,450,721 | 9,822,934 | 9.64% |
| Spokane | - | 5,635 | - | - | 24,548 | - | 30,183 | 0.03% |
| Stevens | 282,846 | 607,964 | - | - | 3,366 | 82,940 | 977,116 | 0.96% |
| Thurston | 1,047 | 1,117 | - | - | 101,496 | 4,336,230 | 4,439,890 | 4.36% |
| Wahkiakum | - | - | - | - | 4,081 | 1,620,743 | 1,624,824 | 1.59% |
| Walla Walla | 3,031 | 29,891 | - | - | - | - | 32,922 | 0.03% |
| Whatcom | 756,871 | 1,945,407 | - | - | 8,495 | 2,805,865 | 5,516,638 | 5.41% |
| Whitman | - | 58,733 | - | - | - | - | 58,733 | 0.06% |
| Yakima | 1,078,423 | 846,781 | - | 186,056 | 28,279 | - | 2,139,539 | 2.10% |
| Totals: | 14,319,410 | 23,059,249 | 1,813,142 | 1,108,905 | 2,255,879 | 59,389,616 | 101,946,201 | 100.00% |

Budget & Finance

Support Authority to Collect Existing Sales Tax

The United States Supreme Court ruled that South Dakota could legally collect sales tax on out of state internet sellers. It is important that Congress maintain the authority given to state and local governments to enforce compliance with existing sales tax laws on remote purchases made over the internet. This includes rejecting legislative proposals that mandate an origin-based method of collecting remote sales taxes and in turn support destination based sales tax payment/collection. **There are four issues that Congress may need to provide statutory guidance on to assure compliance:**

- Definition of substantial nexus;
- Definition of small seller exemption;
- Rules on retroactivity; and
- Relationship to Sales Tax Streamlining Agreement.

The pandemic has highlighted the importance of the internet as a retail marketplace and therefore of taxing remote sales. Washington State's 39 counties are able to collect millions of dollars in remote sales from out of state internet sellers that were previously uncollected sales taxes. This helps to level the playing field for main street businesses. According to the State of Washington's Department of Revenue, collecting a DESTINATION BASED remote sales and use tax generated \$35 million in FY 2019 for Washington's 39 Counties.

Secure Rural Schools (SRS)

In FFY 2019, Washington's counties (27 of 39) received \$13.9 million in SRS funding.

Permanent reauthorization and funding of the SRS program (P.L. 110-343) without annual reductions is needed. Existing and new SRS funding should allow flexibility to meet local needs and conditions. **WSAC supports the following legislation:**

- S. 1643 Forest management for Rural Stability Act

- Establish a permanent SRS endowment to provide a stable and predictable funding source to complement timber harvest payments with funds to assure historic 25% of all forest revenues funding level counties received with inflation built into the payment mechanism.
- H.R. 3048 and S.430
 - Provides 2 year SRS Funding

Payment in Lieu of Taxes (PILT)

In Federal Fiscal Year (FFY) 2020, Washington's counties (37 of 39) received \$24 million in federal PILT.

Congress has recognized that PILT is a vital funding mechanism to ensure counties receive a property tax like compensation for federal lands within their boundaries.

It is necessary to extend full, predictable and permanent mandatory funding for the PILT program (P.L. 103- 379), which compensates counties for tax-exempt federal land within their boundaries and for the services they provide on tax-exempt public lands within their boundaries.

Note that PILT funds are distributed with other local taxing districts that would otherwise receive property tax.

WSAC supports the following legislation:

- H.R. 3043 Permanently Authorizing PILT Act; and
- S. 2489 PILT Reauthorization Act (10 Year Mandatory PILT)

There are two additional payments from the Federal Government also important to counties:

- Refuge Revenue Sharing Act Payments are provided to 24 counties, \$608,100 (FFY2019); and
- Department of Energy PILT (Hanford) for 3 Counties (Benton, Franklin, Grant) that receive approximately \$2.5 million (FFY2019)

Protect County Revenue and Investment Strategies - Tax-Exempt Municipal Bonds

Protect the use of tax-exempt municipal bonds. This federal policy is no "loophole." Tax exempt municipal bonds help reduce the cost of debt service and program costs to citizens. Washington's counties support the tax-exempt status of municipal bonds to provide vital investment in public facilities from jails to roads, courthouses to parks, stormwater and wastewater treatment facilities, and other

important community infrastructure. Washington's counties also urge Congress to restore the use of tax-exempt advance refunding bonds, which allow local governments to be good stewards of taxpayer dollars by refinancing outstanding debt. Advance refunding bonds saved the state of Washington, counties, other municipalities, and taxpayers over \$550 million from 2012 to 2016.

Protect Defense Spending in Washington State

Federal military spending in Washington State is critical to the state's economy and many of our counties. **Washington State is fortunate to contain a number of significant military installations including:**

- Joint Base Lewis-McChord (Pierce/Thurston Counties)
- Yakima Firing Range (Kittitas and Yakima Counties)
- Fairchild Air Force Base (Spokane County)
- Puget Sound Naval Ship Yard (Kitsap County)
- Naval Base Kitsap (Kitsap County)
- Everett Naval Station (Snohomish County)
- Whidbey Island Naval Air Station (Island County)
- Naval Undersea Weapons Engineering Station (Kitsap and Jefferson Counties)
- Camp Murray – State of Washington Military Department (Pierce County)
- Coast Guard Assets and Missions (Clallam, King, Whatcom, Pacific, Grays Harbor)

Washington's counties seek collaboration to address military installation impacts to communities, local land use, and natural resources while supporting the military objectives of these installations. Mitigation strategies, stronger bilateral and transparent communication with county government, and technical support are necessary to balance the competing needs in our local communities.

In addition to the federal military installations, our Washington State National Guard and Military Department are vital to providing support and response to state and federal disasters including floods, earthquakes, catastrophic forest fires, and other emergencies that outpace the ability of local emergency responders. WSAC supports the findings of the National Commission on the Future of the Army that recommends sustainable resources for the Washington State National Guard.



International Trade

Trade between the United State and other nations is vital to the economy of our counties and the State of Washington. Approximately 40 percent of jobs in Washington State are linked to international trade. **Appropriate legislation, policies, and investments are important to sustain and increase Washington's global competitiveness in the marketplace, including:**

- Programs that increase present market share or develop new product markets;
- Elimination of trade barriers that limit export of Washington based products; and
- Increasing federal, state, and local investment in freight mobility.

Elections

Washington State's elected County Auditors (and King County Election Supervisor) conduct elections in Washington State. Our counties are responsible to provide election staff, register voters, ensure the voter database is accurate and correct, acquire and maintain voting tabulation systems, voting centers, and of course all associated security for ballot drop box, facility, physical, and cyber. Federal funding and support, such as that provided with the Help America Vote Act, is imperative to assist in ensuring fair and secure elections. **The funds allocated to Washington State through the Help America Vote Act, was often passed through to counties and used to:**

- Continuously upgrade voting systems;
- Register voters in statewide voter registration databases;
- Develop, enhance, and maintain statewide voter registration/election management system;
- Provide provisional voting options;
- Improve voter accessibility;
- Ensure the integrity of elections; and
- Implement other improvements to the administration, outreach, and access, to voting.

Public Safety, Health and Human Services

Stable and Consistent Federal Funding for Public Health

Local public health has a critical and unique public safety role that is focused on protecting and improving the health of families and communities. Demand for governmental public health services has increased with the changing nature of preventable diseases, the resurgence of “historical” diseases, and the surge of new diseases and emergencies. In Washington, there is also clear diminished and inequitable funding for these services. Stable and consistent funding of key federal grants helps counties build resiliency in the event of health emergencies, outbreaks, economic changes, and natural disasters.

The Prevention and Public Health Fund (PPHF), Pandemic, and All-Hazards and Preparedness Act (PAHPA), and the Maternal and Child Health (MCH) Services grants provide

local governments with funding to protect communities from threats and hazards to keep families safe and healthy.

- PPHF funds local prevention programs such as childhood immunization, vaccinations, communicable disease outbreaks, and chronic disease prevention.
- PAHPA funds local public health emergency response efforts in areas such as wildfire smoke and air quality, public health emergencies, and mass casualty events.
- MCH block grant supports projects that create a system of care for children and families.

Reductions in any of these federal grants will likely cause local programs to diminish with reduced or eliminated services to residents.

Vaping and E-cigarettes

The Federal Drug Administration (FDA) must act to implement rules for the sale, manufacture, distribution, and marketing of electronic cigarettes and other vapor and nicotine delivery devices. Vapor products are still not regulated by the FDA or approved as cessation devices. Users do not consistently know what chemicals are in the products they are using. This includes youth and young adults using products they may assume to be nicotine free – but in fact may contain nicotine and other chemicals that become hazardous when inhaled. Emerging research indicates that flavor chemicals cause harm at the body’s cellular level and vapor product use may be associated with airway and lung inflammation. The current national epidemic of lung injury associated with vaping reinforces this need to regulate these products.

In Washington, the percentage of youth reporting vaping use is growing. In 2018, nearly 30 percent of high school aged students reported vaping in the last month. This is cause for

alarm – we know that nicotine is incredibly addictive, that it adversely impacts brain development, and that youth who use vapor products are likely to use cigarettes and other tobacco products. There is strong evidence that prohibiting the sale of flavored products will likely decrease the initiation and use of vapor products in youth and young adults, further reducing the use of other tobacco and nicotine products and improve the health outcomes for this population.

Nothing in federal law should pre-empt a local public health jurisdiction from creating more stringent local ordinances that protect the public from harmful substances, promote and implement nicotine cessation services, or prevent youth access to tobacco and other nicotine products.

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Congress needs to ensure rapid reinstatement federal health care benefits for non-convicted justice involved individuals. Congress must address the crisis caused by this callous Medicaid inmate exclusion policy that strips individuals that are *still presumed innocent* of their federal benefits. The disruption in continuity of care for individuals caused by this federal regulation, especially for those with complex medical & behavioral health conditions, is of primary concern. This regulation impairs the ability to achieve good health outcomes as individual's transition in and out of our county jails and corrections system. Counties also struggle to contain uninsured costs when inmates lose benefits, driving

medical cost even further. This can result in early release and the dropping of charges to contain medical costs. **WSAC supports the following legislation:**

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- S 2628 Equity in Pretrial Medicaid Coverage Act
 - This proposed legislation would amend Title XIX of the Social Security Act to remove a limitation on an individual's eligibility for medical assistance under the State Medicaid plan while the individual is in custody pending disposition of charges.

Behavioral Health

Elected and appointed county leaders are fully engaged in reforming the behavioral health system in Washington State. Our county jails continue to be the largest mental health institutions in the state and this is both morally and financially unacceptable.

Twenty-two counties and one city have implemented a 1/10th of one percent sales and use tax (approximately \$100 million) to support behavioral health services (accounting for approximately 90percent of available revenue). Counties have worked with the state to expand and integrate behavioral and physical health care services and create a seamless system of care.

Congress and Federal Agencies can assist by focusing on several items:

- Permanently revise the federal Institutions for Mental Disease (IMD) exclusion rule to allow Medicaid to be used for brief acute behavioral health care stays or support a Section 1115 Waiver that provides for this long term in Washington State. This IMD rule prohibits Medicaid from reimbursing for both mental health and chemical dependency inpatient services in facilities with more than 16 beds. If this rule were to be suspended or eliminated there would immediately be additional detox, triage, and inpatient treatment beds available;
- Revise confidentiality rules for federally-funded programs that treat substance use disorder (SUD) patients to align with HIPAA;
- Expand funding to implement electronic client management systems and technology to integrate with electronic health records to better integrate primary care, behavioral health and social determinants of health;
- Expand access to medication-assisted treatment and provide additional Medicaid-funded Suboxone treatment slots;
- Support federal legislation, such as the Mental Health Awareness and Improvement Act (Sen. Murray and Sen. Alexander);
- Federal legislation, programs, policies, and rules associated with behavioral health programs and services must provide flexibility to meet the most pressing local needs and the most prevalent mental health issues for clients;
- Funding:
 - Substance use disorder services; Detox services;
 - Youth early intervention and substance abuse disorder programs;
 - Supportive housing opportunities for individuals with behavioral health issues as these are foundational to people's wellbeing and ability to stabilize and seek treatment, including low barrier housing;
 - Transportation – as it is often an obstacle to sustain treatment for clients and access services;
 - Under CMS (Center for Medicare and Medicaid Services), increase Medicare reimbursement rates for behavioral treatment for older adults to improve access to care for those most vulnerable;
- Opportunities to provide best practice programs and services partnering the courts, criminal justice system, and co-occurring service providers is deemed key to manage system impacts and reduce costs;
- Availability of evidence based programs for early detection and intervention of children and youth who are developing mental health issues, including psychosis; and
- National education on drug take back so citizens know why and how to dispose of their no longer needed prescription drugs.

Opioid Dependence, Overdose and Fatalities

Opioid addiction is one of the most pressing public health and safety challenges facing Washington State today. We appreciate Congressional legislative efforts to address the opioid crisis. According to the Centers for Disease Control and Prevention, prescription painkillers and heroin are driving one of the deadliest drug epidemics in the nation's history, claiming the lives of over 776 Washingtonians in 2018. Additionally, in 2018, 531 deaths occurred from meth and 137 from cocaine.

The consequences of opioid addiction are reverberating throughout society, devastating families and overwhelming

health care providers, law enforcement, social services, and foster care, with particularly dire consequences for rural and underserved communities. Turning the tide on the opioid epidemic will require a coordinated and aggressive response across all levels of government. It is important to act swiftly in addressing this national emergency by providing additional resources and taking the steps outlined below. Recognizing that government cannot tackle this issue alone, county leaders are also calling upon private sector partners — from manufacturers to pharmacies and health care providers — to be part of the solution.

• Ongoing Support for Comprehensive State and Local Efforts

- Provide ongoing supplemental funding to help states and communities turn the tide on the substance use disorder epidemic.
- Continue support for local and state efforts to reduce dependence on opioids and all other addictive substances, overdoses and fatalities by providing additional emergency supplemental funding through existing federal grant programs.
- Support continued legislation, like the Comprehensive Addiction and Recovery Act 2.0 (CARA 2.0) that aims to stem the substance use disorder crisis by providing federal support for local efforts to curb substance abuse. Programs authorized by CARA should be broadened in scope in eligible activities and fully funded through the annual appropriations process to provide local communities the resources they need to fight the substance abuse crisis.

• Preventing & Identifying Addiction

- Improve provider education and training on pain management and safe opioid prescribing.
- Improve access to and encourage the manufacturing and evaluation of abuse-deterrent formulations (ADFs) of opioid painkillers.
- Support pharmacies and law enforcement agencies in establishing and expanding permanent take back programs for disposing of unneeded controlled substances.

• Expanding Access to Treatment & Recovery

- Develop additional guidance regarding best practices for addiction treatment and the distribution of medication-assisted treatment (MAT).
- Permanently eliminate the IMD exclusion to help provide the long-term certainty that states, counties, non-governmental organizations, and private providers must have to fully expand access to inpatient treatment for Medicaid enrollees with substance use disorder.

• Enhancing Support for Law Enforcement

- Reinstate equitable sharing payments under the Department of Justice (DOJ) Asset Forfeiture Program.
- Expand the federal Heroin Response Strategy to support coordination among regional High Intensity Drug Trafficking Areas (HIDTAs) and a public health-public safety approach to combating all illegal trafficking of addictive substances.



FEMA Individual Assistance

The criteria for FEMA Individual Assistance must be modified to ensure rural residents are dealt with in a fair and equitable manner. FEMA should immediately pursue a change to its policies to allow communities impacted by wildfires access to

the agency's Individual Assistance Programs. Current FEMA criteria requiring "concentration of damage" unfairly denies Individual Assistance to rural residents with losses from flooding, landslides, earthquakes, and catastrophic fires.

National Weather Service – Doppler Radar Gap

The National Weather Service's Doppler radar network has a gap in coverage along the eastern slopes of the Cascades and part of the Columbia Basin extending from the Canadian border in Okanogan County south into Klickitat County (portions of seven counties). WSAC supports resources (estimated at \$200,000) to complete a feasibility study as a first step in attempting to fill the weather radar gap and give the National Weather Service the opportunity to

alert communities when potentially devastating weather events are approaching and/or occurring. The feasibility study to locate a Doppler (or equivalent substitution) intends to identify the strategic locations to place new weather radar equipment to support future installation of new Doppler radar for the region. This will aid in addressing fire suppression efforts that directly affect communities throughout the state.

Permanently Repeal the 40 Percent Excise Tax on Employer Sponsored Health Insurance

Support legislation to permanently repeal the excise tax on county sponsored employee health insurance offerings so counties are not faced with additional financial burdens

and remain competitive in attracting and retaining a quality workforce.

Air Ambulance

Rural, remote and island counties in Washington State depend on air ambulances as the fastest way to get patients that need emergency services, trauma care and access to burn units. Yet, air ambulance availability and insurance companies denying coverage is a growing crisis limiting this important service. Additionally, the need for air ambulances is compounded by the growing reduction of services in rural

hospitals. **WSAC supports the following legislation as two mechanisms that Congress can pursue to ensure access, affordability, and insurance coverage of this important emergency service:**

- S 1895, Lower Care Costs Act
- H.R. 3784, The Air Ambulance Affordability Act

Transportation & Infrastructure

Infrastructure

Infrastructure is the foundation of a strong, competitive economy and thriving communities. A collaborative project of four Washington State Associations (Business, Ports, Cities, and Counties) found “Washington’s infrastructure needs are estimated to be more than \$190 billion.” This study, *Building the Economy: Infrastructure Needs in Washington* found the total investment would result in an estimated 600,000 to 660,000 direct and indirect job-years. WSAC supports additional federal funding for critical public infrastructure to support a vibrant economy, public health and safety, community resiliency and a sustainable environment. **Specific examples of identified critical infrastructure include:**

- Bridges
- Transit and Roads
- Freight Rail
- Aviation
- Wastewater
- Marine Ports
- Broadband
- Water Supply
- Stormwater
- Natural Resources
- Fish Barrier Removal
- Jails
- Renewable Energy and Distribution
- State and Local Ferries
- Water Storage and Distribution
- Infrastructure Resiliency

Transportation

- Washington State’s 39 counties operates over half of the centerline road miles in Washington State – 39,221 miles. Counties maintain 3,389 bridges greater than 20 feet, of which 600 are structurally deficient or functionally obsolete. Additionally, counties are responsible for over 3,000 small bridges and culverts that likely impede adult salmon and other fish species from returning upstream for spawning.
- Five counties (Pierce, Whatcom, Wahkiakum, Skagit, King [passenger only]) operate ferry systems.
- King County operates the eighth largest bus transit system in the nation.
- Washington’s counties are making significant investments in light rail and transit systems.
- Many counties own airports including Boeing Field (King) and Paine Field (Snohomish).
- It is important for Congress and federal agencies to understand that counties are major owners of transportation infrastructure and as such provided levels of funding and authority that adequately reflect their role in the nation’s transportation systems
- Highway Trust Fund: Use Highway Trust Fund revenue for a total public transportation program (roadways and transit) and that Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund.
- Need to assure the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation’s highways and account for all vehicles.
- Streamline the administrative requirements of federal grant programs, as well as federal permitting regulations (e.g. NEPA) to direct more funding toward necessary road, bridge, and highway improvements.
- Support federal funding to implement the Washington State Ferries 2040 Long Range Plan.

Fish Passage Barrier Removal

In 2001, 21 Washington State Tribes filed suit in Federal District Court seeking to compel the State of Washington to repair or replace culverts that acted as barriers to fish migration. Historically, culvert designs were constructed to meet the design and permitting requirements of the US Army Corp of Engineers and Washington State Department of Fish and Wildlife Hydraulic Project Approval permit.

Dissatisfied with the state's progress, the tribes sought and won a permanent injunction in 2013 that was upheld by the U.S. Supreme Court in 2018, forcing the state to replace all offending culverts under state-owned roads in the area designated in the lawsuit (case area) by 2030. This case area includes an estimated 800 state-owned barriers within 14 counties surrounding the Puget Sound. The state has estimated costs in excess of \$3 billion to address the 800+ barriers under state roads.

Within the state case area, the Washington Department of Fish and Wildlife (DFW) inventory lists over 3200 known county-owned fish barriers, with an estimated potential for 10,000 county-owned barriers statewide. The cost to replace county-owned barriers in the 14-county case area

is currently estimated to be nearly \$5 billion (this number is subject to change as new information becomes available). Currently, it costs \$1.125 million to replace a culvert on a county road, usually with a short span bridge.

Counties do not possess the resources to address a problem of this magnitude. On average, counties can afford to upgrade two to four barriers per year. The State of Washington continues to grapple with finding the revenue to cover its own \$7.7 billion responsibility, and Washington cities, that also own at least 1200 fish blocking culverts, also expect replacement cost to be several billion dollars. All combined, it will cost the State of Washington and local governments more than \$15 billion dollars in repairs and replacements to fish passage barriers. A federal partnership is critical in addressing this problem of removing fish passage blockages to assist in the recovery of endangered salmon populations and the Southern Resident Killer Whale. WSAC supports a watershed-based implementation strategy to fish passage barrier removal to assure better outcomes that sequence and coordinate investments being made by the State, cities, and counties.

Harbor Maintenance Trust Fund

The full expenditure of harbor maintenance trust fund collections needs to occur on dredging and harbor maintenance to provide equity for deep draft ports that contribute collections to the fund but do not have significant dredging needs by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.

To this end, WSAC supports recent efforts by the U.S. House of Representatives which passed H.R. 2440, the Full Utilization of the Harbor Maintenance Trust Fund Act and encourages the U.S. Senate to also consider this legislation that would allow appropriators to expend all trust fund revenues each year, eliminate practices of lawmakers moving money out of the fund to projects unrelated to ports and/or port development and increase flexibility of the funds for donor ports.

Congress needs to fulfill its commitments to fully implement the deep-water port set aside to aide our deep-water ports and dredge-dependent ports on the Columbia River and within Puget Sound

Aviation

It is important to resource the Airports and Airway Trust Fund at levels to meet current and future infrastructure needs and allow for the steady flow of authorized funds without cuts or delays.

- Airport Rates and Charges: Ensure local governments and airport operators have the full authority to impose and enforce fees, rates and charges that dedicate all airport revenue to airport development, capital financing and operations.
- Off-Airport User Fees: Continue allowing local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with the proceeds being dedicated to airport development, capital financing and operations.
- Federal Aviation Administration – Air Traffic Control (ATC) System. Do not privatize the nation's air traffic control system as we believe privatization will have a negative impact on rural airports and communities.
- Make appropriate investment in Next Generation Air Transportation System (NextGen) to modernize our air transportation system to make flying even safer, more efficient, and more predictable.
- Increase the Passenger Facility Charges (PFCs) to a reasonable and important funding local revenue source to pay for the significant demand and need to increase airport capacity and development in Washington State.

Stormwater and Water Quality

Federal funding is needed to invest in cost effective approaches to retrofitting stormwater facilities and collect stormwater runoff in separate storm sewers and discharging it to surface waters as required under the federal Clean Water Act. It is important counties receive federal funding support to implement the Municipal Stormwater Permits and National Pollutant Discharge Elimination System (NPDES) permits so these burdens do not fall solely on ratepayers.

WSAC supports funding to prevent and address per- and polyfluoroalkyl substances (PFAS) contamination. PFAS-contaminated water has been identified in the Issaquah and Dupont water systems, at Fairchild Air Force Base, Naval Air Station Whidbey Island, and Joint Base Lewis McChord. Additional remediation is likely to be necessary in other public and private water systems as additional testing and is performed.

Water Infrastructure

Congress needs to provide programmatic and project funding to support local and state investments in initiatives such as the:

- Yakima Basin Integrated Plan
- Columbia River Water Management Program
- Chehalis Basin Integrated Strategy

- Completion of Congressionally Authorized Columbia Basin Project

These programs and associated projects are designed to support salmon recovery, improve ecological conditions, and support the growing demands on water supplies to support growth for industrial, agriculture, municipal, and exempt wells.

Broadband

Broadband access is critical to the modern economy, essential for education, and vital to innovative health equity. It is increasingly essential to many activities of daily life and quality of life. **However, due to geographic, economic, and other variables, access to quality high-speed broadband lacks for far too many Washington residents that:**

- Hinders counties' ability to provide vital services;
- Impedes telehealth access;
- Limits the opportunity to participate in remote work;
- Creates inequitable access to support in remote learning and school activities

Long-term sustainable funding from state and federal government is needed to provide an ongoing commitment to expand and maintain quality, affordable broadband access.

WSAC supports solutions that are flexible enough to fit specific geographic and regional needs. The state and local governments can better define and utilize local understanding and strategies to increase broadband access. Additionally, grant funding opportunities often focus on urban and rural areas, but under-served communities also exist in mid-density counties; grant opportunities should be expanded accordingly.

It is important that Washington businesses and residences have access to at least one broadband provider with both upload and download speeds of at least 150 Mbps and that

new minimum service must be scalable and provide capacity to meet future needs and avoid functional obsolescence.

It is important to ensure there is an appropriate level of local input in FCC decisions regarding broadband deployment, infrastructure, and funding.

- Connect America Funding Phase II funding was released through an auction without any county or local government input. Companies without a presence, and as far away as Maryland, won this funding for a few rural counties in Washington, without a physical presence, to supply the needed deployment and infrastructure needs. Give first priority to locally based companies in procurement.
- FCC maps need to be revised and reviewed on the ground to determine accuracy and reflect what is needed, relevant, realistic, and available in rural areas and areas of rural/urban mix that still experience considerable digital deserts.
- FCC needs to reconsider and revise its new 5G rule that circumvents local government control over infrastructure. This new rule puts public safety at risk and reasons to become an unfunded mandate.

Support local governments' flexibility to serve as retail network providers at their option, including cities, counties, port districts, and public utility districts.

Natural Resources

Federal Forest Health and Management

Policies and legislation, as well as pilot programs and projects, are needed to renew the federal government's commitment to manage federal forests for the benefit of counties containing federal forestland. Management should be conducted in a manner that produces a sustainable resource yield, improves forest health, and aides in the prevention of catastrophic wildfires. **Examples include:**

- Providing federal funding to communities and counties to plan and prepare for the catastrophic effects of wildfires on federal forest lands;
- Incentivizing and supporting the use of forest products to create mass timber, e.g. cross laminated timber; and
- Directing the USFS and BLM to establish pilot programs to improve forest health and reduce the impact of catastrophic wildfires through the use of Good Neighbor Authority agreements with the Washington State Department of Natural Resources.

Federal Lands Transfer to the States

WSAC supports a systematic and factual review of the potential benefits and risks associated with the transfer of federal lands to Washington State or its counties.

Bonneville Power Administration

WSAC supports the Bonneville Power Administration (BPA) remaining a federal agency and a publicly owned electricity transmission system. The BPA is self-funding; it repays, with interest, the U.S. Treasury from electric rates set to recover taxpayer investments. BPA costs are paid for by customers who buy the electricity primarily through local public utilities.

A 2017 report by the Northwest Power and Conservation Council found that electricity rates might soar by 40 percent under privatization. "Besides causing a direct and detrimental impact on power rates, the privatization of the BPA transmission system would leave the region vulnerable to market manipulation by creating artificial transmission restraints," the report stated.

Columbia River Treaty

Our counties along the Columbia River and within the Columbia River Basin are actively involved in participating in the update process for the Columbia River Treaty – an international agreement between Canada and the United States regarding the cooperative development and operation of the water resources of the Columbia River Basin for the current stated benefits of flood control and power.

It is imperative that the Washington State Congressional Delegation ensure that the input, participation, and decisions of local elected leaders are included in Treaty review and

update. We ask the Administration and Congress to ensure that a modernized Treaty is designed to meet the future regional water supply needs for irrigation, municipal and industrial use, instream flows, navigation, and recreation.

Continued communications from the lead United States negotiator to keep counties, and other key local partners, is beneficial to keep local officials apprised of progress on meeting negotiating milestones and benchmarks. It is imperative that negotiations be complete prior to 2024.

Columbia River System Operations (CRSO) Environmental Impact Statement Development

A federal judicial ruling in 2016, for the fifth time, ordered federal agencies to look at all options to protect salmon in the Columbia River system. The Secretaries of Interior, Commerce and Energy, and the Assistant Secretary of the Army for Civil Works received a memorandum from the President directing the agencies to develop a schedule to complete the EIS and associated biological opinion by 2020 – thus initiating the Columbia River System Operations (CRSO) Environmental Impact Statement (EIS).

In October 2019 the CRSO range of alternatives were released. According to the Army Corp of Engineers:

“All alternatives were designed to benefit ESA-listed fish species. The alternatives represent different ways to balance the multiple purposes of the system. For example, some of the alternatives include more actions, or measures, to benefit fish, while some put more emphasis on power generation and other water uses. This allows the agencies to assess the full effects of achieving one set of objectives over another. The impacts of all of these measures will be documented in the draft EIS.”

Any significant changes and proposals that negatively affect regional economic stability, impact flood risk management, irrigation, power generation, navigation, fish and wildlife, cultural resources, and recreation opportunities provided by the current system must be carefully considered.

Without adequate and convincing peer reviewed science, and the following assurances, WSAC does not currently support removal of the four lower Snake River Dams:

- Continued flood risk mitigation and reduction management;
- Provision of replacement water storage and supply for municipal, industrial, agricultural, exempt well, and environmental benefits;
- Supplying clean renewable replacement power production to stabilize price and power needs;
- Financially viable and adequate infrastructure to support loss of navigation and river transportation;
- Funding to repair or replace roads, bridges and other transportation infrastructure damaged by removal of the dams and lowering of water levels;
- Protection of all fish and wildlife resources;
- Protection of cultural resources; and
- Assurance from net negative impacts to agricultural production and food supply; and
- Additional options to increase salmon production and increase the health of the Puget Sound (and its species); and
- No loss in outdoor recreation opportunities or facilities.

Waters of the United States

Washington’s 39 counties maintain over 40,000 miles of roads and associated ditches, bridges, culverts, stormwater facilities, and other supporting transportation infrastructure. An updated “Waters of the U.S.” rule must assure there is, at a minimum, a permit exemption for certain county road ditches.

Water Quality Standards – Clean Water Act

Continue the delegated authority to Washington State to develop local solutions to implement all facets of the Clean Water Act, without interference from Environmental Protection Agency, including:

- Update to the Washington State Water Quality Standards, including human health criteria.
- Update to non-point pollution plan and Concentrated Animal Feeding Operations (CAFO) permits.

National Flood Insurance Program (NFIP) and Biggert-Waters Act

There must be a sustainable, fiscally responsible NFIP to protect the businesses and homeowners who built according to code and have followed all applicable laws. Congress and the Administration shall keep flood insurance rates affordable to citizens while balancing the fiscal solvency of the program. Any reforms made to the program should address modernization of flood risk mapping, increased investment in mitigation activities at the county level and consumer affordability.

Salmon Recovery and Watershed Restoration

All 39 counties are engaged in recovery of salmonid and endangered fish species and watershed planning and restoration. There shall be an equitable method to provide federal funds go to on the ground, local government projects and programs supported by local implementing organizations, local governments, tribes, and citizens. **Stable and predictable funding is needed for both Coastal, Puget Sound, and Columbia River Basin recovery activities:**

- Fish Passage Barrier Removal
- Puget Sound Nearshore Ecosystem Restoration
- National Estuary Program
- Pacific Coastal Salmon Recovery Programs
- Mitchell Act or other programs and services including appropriate hatchery activities that assist in our Regional Salmon Recovery Efforts
- Support the Congressional Puget Sound Recovery Caucus to improve the profile and standing of the Puget Sound under national restoration, conservation, recovery, and economic development programs for coastal and maritime communities.
- WSAC supports the PUGET SOS Act – Promoting United Government Efforts to Save Our Sound

Endangered Species Act Reform

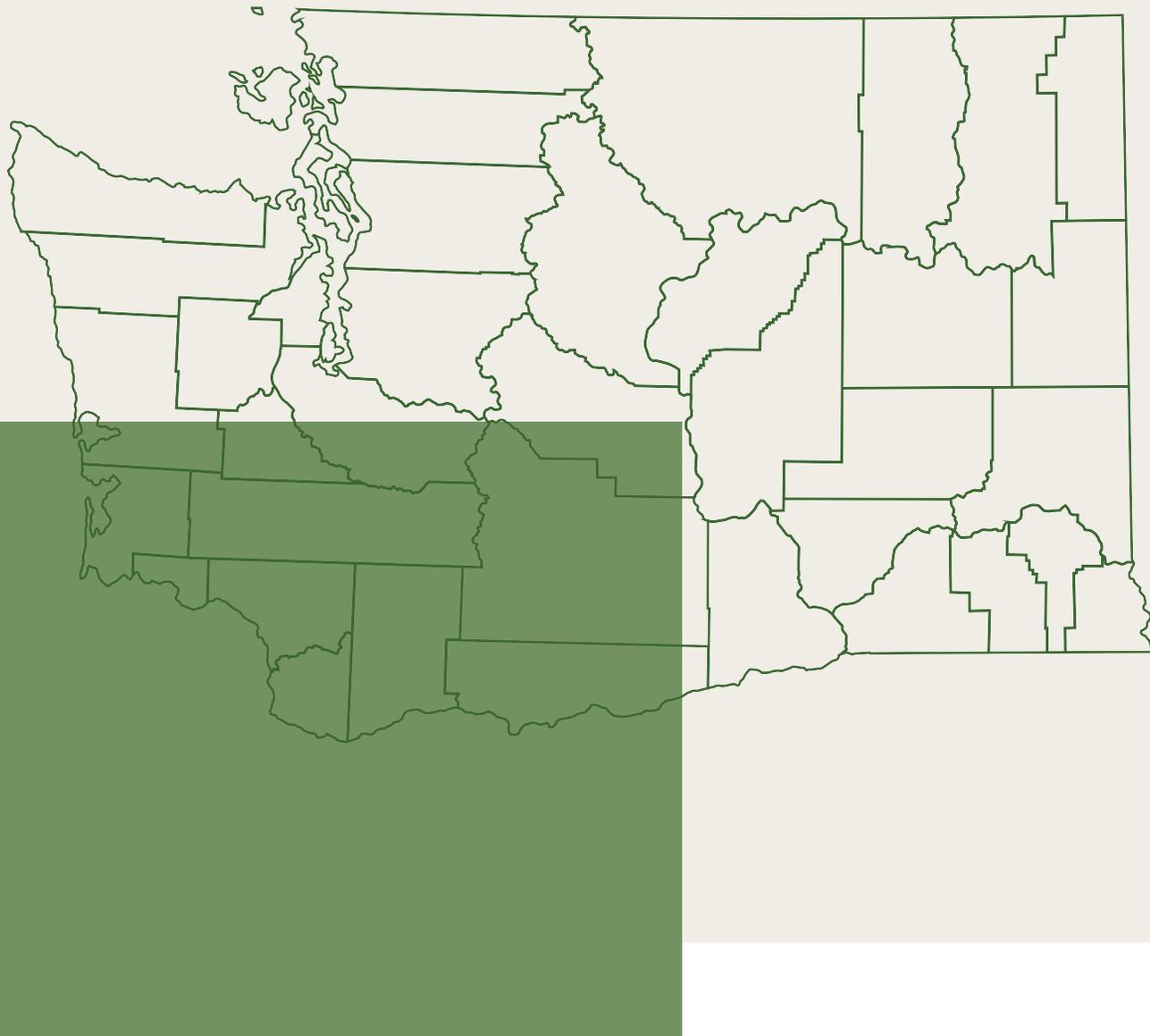
ESA reform must balance protection of fish, wildlife and plant populations, responsible land, water and resource management and local economic community impacts.

Land and Water Conservation Fund

WSAC supports \$900 million annual funding for Land and Water Conservation Fund (LWCF). In Washington State, LWCF has provided over \$600 million to fund more than 600 projects over the past 50 years. These projects help to protect community greenspaces, builds parks and trails, and improves boating and recreational access.

WSAC supports this annual funding provided there is a restriction on the purchase of federal lands by USFS, BLM, or NPS without consent from the county legislative authority within which the property lies.





**WASHINGTON
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of COUNTIES**

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