



WASHINGTON  
STATE ASSOCIATION  
of COUNTIES

JANUARY 2022



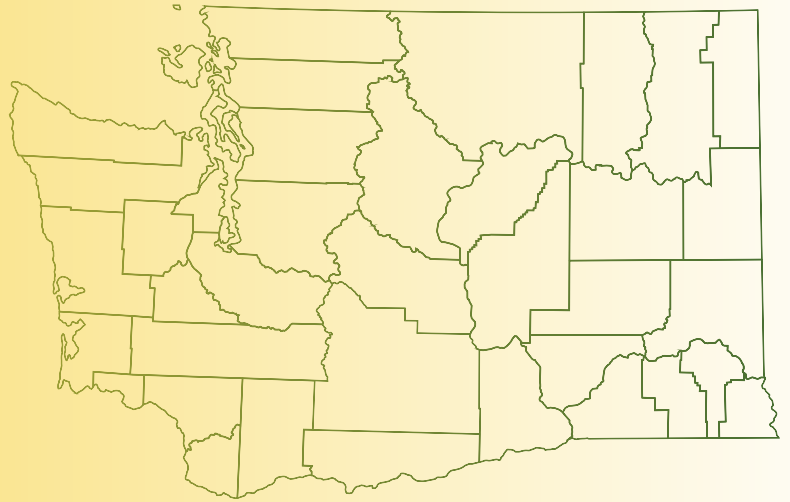
# Federal Issues 2022

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## 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).**



### 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.

### Core Member Services

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

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# WSAC Federal Priorities

## 2022

- COVID-19 Pandemic Response and Recovery
- Medicaid Inmate Exclusion
- Infrastructure
- Active Forest Management and Catastrophic Wildfires
- Payments in Lieu of Taxes
- Secure Rural Schools

## COVID-19 Pandemic Response and Recovery

Washington's 39 counties express thanks and appreciation to Congress for important investments that will allow counties to assist our communities, families, businesses, and individuals in recovering from devastating health and economic impacts from the ongoing COVID-19 pandemic.

All counties, regardless of size and population, need continued access to direct, equitable, flexible, stable, and long-term funding to respond to the pandemic, rebuild the economy, and strengthen our communities. The initial Coronavirus Relief Fund, a part of the CARES Act, provided nearly \$950 million to our 39 counties and 35 local public health jurisdictions. The American Rescue Plan provided an additional \$1.5 billion to counties in Washington State.

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:

- Coordinating vaccination information and providing immunizations;
- Conducting case contact tracing and investigation of positive cases and outbreaks;
- Coordinating complete care for families and individuals in isolation and quarantine;
- Assisting schools, businesses, and other organizations and institutions with pandemic response and recovery;
- 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; and
- Recommending safety practices and providing technical assistance for businesses, schools, and other institutions implementing Washington State's requirements and guidance.

## We ask Congress to:

- Assure final US Treasury ARPA Guidance provides clarity for counties to use funds to meet the unique needs of our communities as we continue to deliver critical services to residents, including those suffering from the economic, health, and mental health challenges due to COVID-19;
- Continue to respond, if necessary, with additional pandemic 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, and utility assistance;
  - Providing community support;
  - Coordination with medical community;
  - Providing accurate information throughout communities;
  - Preparing for mass vaccination and implementing state and local plans;
  - Shortages in supplies, testing, PPE, syringes, vaccine equipment, and kits;
  - 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; and
  - 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 the 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 of 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, who 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 individuals transition in and out of our county jails and corrections system. Counties also struggle to contain uninsured costs when inmates lose benefits, driving medical costs up even further. This can result in early release and the dropping of charges to contain medical costs.

## WSAC supports the reintroduction into the 117th Congress:

- 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, CHIP, and Veterans' health benefits; and
- 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. It will take significant infrastructure investment to ensure 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 jobs. 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/Courthouses
- Renewable Energy and Distribution
- State and Local Ferries
- Water Storage and Distribution
- Infrastructure Resiliency

## Active Forest Management and 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 (USFS), and The Nature Conservancy found that 2.7 million acres of eastern Washington forestland needs restoration. Federal lands account for 42 percent of the unhealthy forest identified.

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, protects the environment, and aids in the prevention of

catastrophic wildfires. Additionally, the potential impacts of climate change is expected to have wide-ranging impacts on federal lands in Washington State. In recent decades Washington State has experienced significant droughts, floods, erratic snowpack, and several extreme wildfire seasons. These events and conditions are expected to become more common as the climate continues to change.

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

## WSAC Federal Priorities (continued)

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### 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 innovative products (such as mass timber, cross laminated timber) and byproducts (such as biochar);
- Supporting the development of a wood products campus in areas of the state that are fire prone, using the latest technologies to harvest timber from overburdened forests and produce lumber products for market, in turn improving forest health, preventing wildfires, and creating family-wage jobs;
- 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;
- Supporting funding for non-industrial small forest landowners for innovative programs to promote forest stewardship;
- Requiring the USFS and Department of the Interior (DOI) to increase the number of acres treated with controlled burns;
- Providing funding for both the USFS and DOI to plan, prepare, and conduct controlled burns;
- Providing additional funding for the Collaborative Forest Landscape Restoration Program, to implement controlled burns on county, state, and private land at high risk of burning in a wildfire;
- Requiring state air quality agencies to use current laws and regulations to allow larger controlled burns and give states more flexibility in winter months to conduct controlled burns that reduce catastrophic smoke events in the summer;
- Establishing a workforce development program at the USFS and DOI to develop, train, and hire prescribed fire practitioners and establish employment programs for Tribes, veterans, women, and those formerly incarcerated;
- Establishing an incentive program to provide funding to state, county, and federal agencies for any large-scale controlled burn;
- Requiring the USFS to increase the pace and scale of active forest management;
- Stopping frivolous lawsuits that are solely designed to delay projects and intimidate federal decision makers;
- Avoiding (electric) utility shut offs that put human health at risk by properly maintaining utility corridors;
- Efficiently salvaging timber following catastrophic fire events; and
- Providing credit and value for carbon sequestration on federal forests.

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## Payments in Lieu of Taxes

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

In Federal Fiscal Year (FFY) 2021, Washington's counties (37 of 39) received \$24.9 million in PILT.

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

- Refuge Revenue Sharing Act Payments to 25 counties, \$486,729 (FFY2020); and
- Department of Energy PILT (Hanford) for 3 Counties (Benton, Franklin, Grant) that receive approximately \$2.5 million (FFY2020).

Federal PILT is an important component of many counties' budgets despite the fact that it does not generate as much money as private landowner property taxes. One major challenge is counties do not know from year to year whether or how much funding they will receive from the federal government in PILT.

**Therefore, WSAC asks Congress to extend full, predictable, long term (10+ years) and/or permanent, mandatory funding for the PILT program, which fully and fairly compensates counties for tax-exempt federal land within their boundaries and for the services they provide on tax-exempt public lands within their boundaries.**

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

# Secure Rural Schools

Equally important to PILT is long term or permanent reauthorization and funding of the Secure Rural Schools (SRS) program. In the short term, we support:

- Repealing the 5% automatic reduction in payment;
- Restoring full funding of SRS;
- Provide for yearly election of Title II/III designation; and
- Allowing Resource Advisory Committee (RAC) appointments to be made at the regional or local forest level.

**We support restoring SRS funding levels back to historic 25% funding level counties received with inflation built into the payment mechanism. In FFY20, Washington’s counties (27 of 39) received \$15.2 million in SRS funding, a decline from \$15.8 million in FFY 2019.**

County	SRS/Fed FY 2020	PILT/Fed FY 2021	Dept of Energy FY 2020	Refuge (RRSA) Federal	DFW PILT 2020-2022	DNR PILT FY 2021	DNR/Timber 6Yr Annual Avg	Total	% of Total Revenue
Adams	-	60,271	-	6,176	3,597	971	-	71,015	0.06%
Asotin	59,541	179,073	-	498	48,261	-	-	287,374	0.26%
Benton	-	184,224	858,544	6,404	-	-	-	1,049,172	0.95%
Chelan	1,040,503	3,352,067	-	11,315	54,978	9,855	-	4,468,717	4.03%
Clallam	782,914	1,155,238	-	7,855	-	5,412	5,746,334	7,697,752	6.94%
Clark	2,776	2,411	-	29,074	-	2,313	3,919,128	3,955,702	3.57%
Columbia	154,478	402,766	-	695	20,713	-	-	578,652	0.52%
Cowlitz	114,798	31,765	-	1,689	-	1,266	1,778,273	1,927,792	1.74%
Douglas	2	167,047	-	-	-	161	-	167,210	0.15%
Ferry	772,239	901,381	-	-	29,180	-	-	1,702,800	1.54%
Franklin	-	182,784	280,707	85	-	186	-	463,762	0.42%
Garfield	83,555	243,353	-	-	24,105	-	-	351,013	0.32%
Grant	-	804,652	643,642	5,947	37,443	278	-	1,491,962	1.35%
Grays Harbor	304,202	285,676	-	4,266	74,432	76,774	1,817,123	2,562,473	2.31%
Island	-	2,153	-	-	-	-	-	2,153	0.00%
Jefferson	794,102	1,643,245	-	26,490	-	91,306	1,909,383	4,464,526	4.03%
King	171,538	935,880	-	-	-	349,252	2,210,254	3,666,924	3.31%
Kitsap	-	-	-	-	-	52,892	905,231	958,123	0.86%
Kittitas	604,649	1,205,311	-	-	542,783	257,501	-	2,610,245	2.35%
Klickitat	42,886	117,365	-	42,557	78,558	53,010	104,720	439,096	0.40%
Lewis	1,559,064	687,075	-	237	-	2,185	7,937,784	10,186,345	9.18%
Lincoln	-	255,132	-	-	13,642	353	-	269,126	0.24%
Mason	299,839	331,886	-	-	-	22,190	4,662,881	5,316,796	4.79%
Okanogan	1,618,363	2,782,158	-	1,061	563,577	82,229	-	5,047,388	4.55%
Pacific	-	7,419	-	66,368	-	29,905	2,231,761	2,335,453	2.11%
Pend Oreille	629,807	1,190,789	-	412	20,004	-	-	1,841,012	1.66%
Pierce	193,901	872,946	-	1,745	-	779	426,586	1,495,957	1.35%
San Juan	-	7,084	-	-	-	17,748	-	24,832	0.02%
Skagit	431,225	1,318,757	-	-	-	258,871	10,539,048	12,547,902	11.31%
Skamania	2,794,068	344,800	-	8,185	-	87,826	1,979,333	5,214,212	4.70%
Snohomish	555,621	1,518,436	-	-	-	307,081	7,540,449	9,921,587	8.95%
Spokane	-	5,893	-	53,421	-	21,783	-	81,097	0.07%
Stevens	300,478	653,286	-	164,652	-	3,080	89,443	1,210,939	1.09%
Thurston	960	1,268	-	20,130	-	106,450	5,785,583	5,914,391	5.33%
Wahkiakum	-	-	-	15,077	-	5,803	1,735,454	1,756,333	1.58%
Walla Walla	2,558	31,168	-	5,260	-	-	-	38,986	0.04%
Whatcom	829,132	2,078,845	-	-	-	5,832	3,247,184	6,160,992	5.55%
Whitman	-	61,223	-	-	-	-	-	61,223	0.06%
Yakima	1,110,173	941,596	-	7,130	491,623	23,162	-	2,573,684	2.32%
<b>Totals:</b>	<b>15,253,371</b>	<b>24,946,423</b>	<b>1,782,893</b>	<b>486,729</b>	<b>2,002,896</b>	<b>1,876,453</b>	<b>64,565,952</b>	<b>110,914,717</b>	<b>100.00%</b>

# Budget, Finance, and Elections

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

Protect the legitimate use of, and expansion 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 saves Washington State, counties, other municipalities, and taxpayers over \$110 million annually.**

## 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 Shipyard (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); and

- 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 Washington State. 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;**
- **Eliminating trade barriers that limit the export of Washington based products; and**
- **Increasing federal, state, and local investment in freight mobility.**

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## 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 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.

**WSAC supports elections being managed and conducted locally for security, integrity, and accountability. Further, counties encourage timely active military voting participation through secure and flexible mechanisms.**



# 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 State we are working to implement Foundational Public Health Services with increased State and local funding, yet there is still 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 Services (MCH) 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

**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.**

## 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. Further, the behavioral health workforce is woefully inadequate to meet the steadily increased need and demand for services. Counties will need federal support to increase workforce development, training, and retention.

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:

- Large-scale training programs to rapidly bring new behavioral health workers into the workforce;
- Support current workforce retention increasing federal Medicaid matches in order to help state and local jurisdictions offer more competitive pay and reimbursement;
- 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 42 CFR Part 2 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 Tele-Mental Health Improvement Act (HR 2264/S.660);
- Provide flexibility when implementing federal legislation, programs, policies, and rules associated with behavioral health programs and services to meet the most pressing local needs and the most prevalent mental health issues for clients;
- Funding:
  - Workforce training and retention;
  - 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;
  - Increase Medicare reimbursement rates for behavioral treatment for older adults to improve access to care for those most vulnerable within CMS (Center for Medicare and Medicaid Services);
- Opportunities to provide best practice programs and services partnering the courts, criminal justice system, and co-occurring service providers 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;
- National education on drug take back so citizens know why and how to dispose of their no longer needed prescription drugs; and
- Removal of barriers to and create additional support for telehealth opportunities.

## Opioid Dependence, Overdose and Fatalities

We appreciate Congressional legislative efforts to address one of the most pressing public health and safety challenges facing Washington State today. According to the University of Washington’s Addictions, Drug & Alcohol Institute the total number of drug-caused deaths involving opioids in 2019 was 852. There was a 43 percent increase in these deaths in 2020 to 1219 overdoses. According to the Washington State Department of Health, in the first three months of 2021, Washington State had “almost 420 overdose deaths of which almost 50% have been due to fentanyl.”

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, including, but not limited to, manufacturers, pharmacies, and health care providers to be part of the solution.

## Public Safety, Health, and Human Services (continued)

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### 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 MAT.
- Permanently eliminate the IMD exclusion to help provide the long-term certainty that states, counties, non-governmental organizations, and private providers must fully expand access to inpatient treatment for Medicaid enrollees with an SUD.

### 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 combatting all illegal trafficking of addictive substances.

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## Disaster Preparedness, Community Resiliency, and Emergency Management

Strong emergency management and preparedness are crucial to ensuring our communities can protect from and mitigate the impacts of natural disasters, which are occurring with increasing frequency and severity.

Lack of personnel is Washington State's biggest gap in emergency management. Only eight out of 39 counties have at least one full-time emergency manager. The other 31 counties have an emergency manager who is part-time, meaning that the emergency manager is also responsible for many other duties and cannot make this their sole focus.

Federal grants provide the majority of funds for county preparedness offices and additional support is needed to maximize federal investment.

- 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.

- Support H.R. 3917 the MALDEN Act introduced by Rep. McMorris Rodgers which would amend the Stafford Act to:
  - Require the president to approve or deny a disaster declaration request within 30 days. If the request is not denied within 30 days, then it is approved;
  - Ensure rural communities receive recovery assistance by requiring FEMA to work in coordination with state leadership to provide guidance to local emergency managers on developing a recovery team. They must also assist to identify short and long-term recovery resources, including resources to prevent secondary natural disasters like flooding, mudslides and rockslides;
  - Instruct FEMA to work with the state emergency management agency to make disaster case workers available for rural communities in the event that a request for Individual Assistance is made and denied.

- **Increase and Adjust Match for Emergency Management Preparedness Grants (EMPG).**  
EMPGs are flexible funds which most Washington counties use to fund staffing positions and directly meet the needs of their local jurisdiction. EMPGs currently require a 1:1 match. Many smaller counties must return funds every year because their jurisdictions cannot match the full amount of federal funds. Changing to a .50/1 match would help those smaller counties maximize federal dollars. Increasing the total amount of EMPG would also help counties fund much-needed staffing positions.

- **Deliver FEMA Personal Assistance (PA) Grants to states as Block Grants.**  
Currently, individuals must apply directly to FEMA for grants, the process for which is cumbersome for both applicants and administrators. Further, applications are often slowed by conflicts between state and local requirements that vary from federal requirements. Delivering block grants directly to states would allow states to tailor PA grants to state needs in accordance with federal requirements and accelerate the process. Consider a 1:1 match with states to incentivize state participation in the process.

- **Create personal grants/loans through Small Business Administration to support emergency management planning in businesses.**  
Many employers want to plan, but do not have the capacity to do so. Resilient businesses, especially large businesses, will improve disaster outcomes at the county level.

- **Develop personnel grants with federal agencies other than FEMA.**  
FEMA is crucially important to disaster preparedness, but is not the only federal agency with a nexus to planning and preparation. Army Corps of Engineers could create grants to fund flood mitigation experts; BLM could support wildfire mitigation specialists; and HHS could help counties pay for evacuation and sheltering experts.
- **Transportation risk tax .001 cent.**  
Consider a transportation risk tax of .001 cent, applicable to every gallon of hazardous material that passes on federal roads, delivered directly to the counties through which the hazard passes.

**To make counties more resilient to the potential impacts of climate change, we ask Congress to:**

- Invest in infrastructure to protect against drought and floods and to expand weatherization capabilities;
- Invest in research and development for advanced transmission and electricity distribution technologies and promote smart grid technologies that deliver flexibility and resilience for communities; and
- Invest in demonstration projects and research hubs for next generation technologies like advanced nuclear reactors, carbon capture, and clean hydrogen.

## National Weather Service – Coverage Gap

The National Weather Service 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 the provision of resources (estimated at \$400,000) 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 intends to identify strategic locations to place weather observation/prediction technologies and equipment in the region. This will also aid in addressing fire suppression efforts and providing emergency notifications of post-wildfire flood events that directly affect communities throughout the state.**

## 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 the denial of coverage by insurance companies 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 as two mechanisms by which Congress can ensure access, affordability, and insurance coverage of this important emergency service:**

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

# Transportation and Infrastructure

## Transportation

Washington State's 39 counties are responsible for a significant amount of the transportation infrastructure in Washington State including:

- Over half of the centerline road miles in Washington State – 39,221 miles;
- 3,389 bridges greater than 20 feet, of which 600 are structurally deficient or functionally obsolete;
- 3,000 small bridges and thousands of culverts that likely impede adult salmon and other fish species from returning upstream for spawning;
- Five counties (Pierce, Whatcom, Wahkiakum, Skagit, and 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; and
- Regional and rural airports (in addition to Boeing Field (King) and Paine Field (Snohomish) many counties own airports).

**It is important for Congress and federal agencies to understand that counties are major owners of transportation infrastructure and should be provided levels of funding and authority that adequately reflect their role in the nation's transportation systems. We support:**

- Using Highway Trust Fund revenue for a total public transportation program (roadways and transit) and retaining the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund;

- Ensuring 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;
- Streamlining 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;
- Providing Federal funding to implement the Washington State Ferries 2040 Long Range Plan; and
- Assisting counties, state, and other local jurisdictions invest in strategic improvements for more sustainable and efficient freight mobility system that reduces impacts on local communities and the environment.

**In order to provide a greater range of transportation options to help reduce the impact of transportation related greenhouse gas emissions, Congress should:**

- Invest in funding to improve transportation options by modernizing and reducing emissions of transit vehicles, such as expanding electric transit systems and/or hydrogen-based transportation alternatives;
- Invest in the build-out of a network of electric vehicle (EV) chargers within and between communities;
- Extend and expand clean energy and EV tax credits for businesses and consumers to spur demand for domestic manufacturing, accelerate clean energy and EV deployment, and grow our capacity to build those technologies in the U.S.; and
- Invest in multimodal solutions including bike and pedestrian access, heavy-duty vehicle electrification, and electrification options for low-income communities.

## 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 U.S. 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 \$7 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 3,200 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 inventory, cost estimate, and information becomes available). Currently, the average cost to replace a culvert on a county road, usually with a short span bridge is \$1.125 million.

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 1,200 fish blocking culverts, expect replacement costs to be several billions of 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 ensure 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 aid our deep-water ports and dredge-dependent ports on the Columbia River and within the Puget Sound**

### Airports and Aviation

Local and regional airports are essential to the economic wellbeing and safety of communities throughout Washington State. Unlike the greater Puget Sound region, most of our state is rural and heavily dependent on smaller airports for

economic development, public safety (especially wildfire response), and recreation. These local and regional airports have limited opportunity for revenue generation.

#### The following federal actions and support are deemed essential to the public safety and prosperity of our state:

- Enhance and expedite Airports and Airway Trust Fund support for Washington state's small and regional airports;
- Airport Rates and Charges: Ensure local governments and airport operators have full authority to impose and enforce fees, rates and charges, and other revenues dedicated to airport development, capital financing, and operations;
- Increase Passenger Facility Charges (PFCs) to supplement federal funds dedicated to airport capacity and development in Washington State;
- Off-Airport User Fees: Continue the authority for local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with proceeds 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 investments in Next Generation Air Transportation System (NextGen) modernization to make air transportation safer, more efficient, and more predictable;
- Increase federal funding to support municipal and regional airport infrastructure improvements essential to timely, effective, aviation-centered wildfire operations; and
- Authorize federal funds dedicated to matching state grants and not-for-profit public aviation programs chartered to improve the safety, accessibility, or economic value of public use airports in Washington state.

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### Stormwater and Water Quality

Federal funding is needed to invest in cost effective approaches to retrofitting stormwater facilities, collecting stormwater runoff in separate storm sewers, and discharging 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 necessary in other public and private water systems as additional testing 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;
- Icicle Work Group;
- Columbia River Water Management Program;
- Chehalis Basin Integrated Strategy; and
- Completion of Congressionally Authorized Columbia Basin Project.

## Broadband

Broadband access is critical to the modern economy, essential for education, and vital to health equity. It is increasingly essential to many activities of daily life and quality of life. Our need for strong and equitable access to broadband has been heightened by the COVID-19 pandemic. However, due to geographic, economic, and other barriers, access to quality, high-speed broadband lacks for far too many Washington residents. This access gap:

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

Long-term, sustainable funding from the state and federal governments 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 unserved and underserved communities also exist in mid-density counties. Therefore, 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.

**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.**

**It is important to ensure there is an appropriate level of local input in FCC decisions regarding broadband deployment, infrastructure, and funding. The federal government should:**

- Prioritize locally based companies in broadband procurement. 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;
- Amend the Rural Digital Opportunity Fund (RDOF) to require awardees to guarantee fiber to the premises in a timely manner and to prohibit a 10-year lockout of other providers ;
- Revise and review FCC maps to determine accuracy. Other sources of data coverage such as speed tests, Microsoft data, m-lab and google ookla data that has been ground truthed must be considered in funding decisions.;
- Reconsider and revise FCC's new 5G rule that circumvents local government control over infrastructure. This new rule puts public safety at risk, is an unfunded mandate, preempts local decision making, and restricts franchise fees and charges; and
- Support local government flexibility to serve as retail network providers at their option including cities, counties, port districts, and public utility districts.



# Natural Resources

## Federal Lands Transfer to the States and Local Governments

**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. The report stated that “[b]esides 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.”

## 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

The joint Record of Decision on the Columbia River System Operation EIS was signed by the U.S. Army Corps of Engineers, Bureau of Reclamation, and Bonneville Power Administration on September 28, 2020. The Record of Decision is the final step in the Columbia River System Operations National Environmental Policy Act process. This Record of Decision follows a federal judicial ruling in 2016 which, for the fifth time, ordered federal agencies to look at all options to protect salmon in the Columbia River system. According to the Army Corps 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 assurances of the following issues, WSAC does not 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;
- Supply of 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 nearly 40,000 miles of roads and associated ditches, bridges, culverts, stormwater facilities, and other supporting transportation infrastructure. An updated “Waters of the U.S.” (WOTUS) rule must ensure there is, at a minimum, a permit exemption for certain county road ditches.

WSAC advocates that the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers (Corps) rewrite the WOTUS rule in a way that appreciates counties’ role as owners and operators of key public safety and water infrastructure and as an intergovernmental partner in implementing federal regulations under the Clean Water Act.

### 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 finalization of:

- Washington State Water Quality Standards, including human health criteria; and
- 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 for 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, watershed planning, and restoration. WSAC supports the work of all of our basins and the work of 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.

It is important that there is 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 coastal, Puget Sound, and Columbia and Yakima River Basin recovery activities that include:**

- Supports the PUGET SOS Act of 2021 – Promoting United Government Efforts to Save Our Sound; and
- 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;
- Non-ESA listed Species above Grand Coulee.

### Endangered Species Act Reform

**ESA reform must balance the 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 in annual funding for Land and Water Conservation Fund (LWCF). In Washington State, LWCF has provided over \$710 million to fund more than 600 projects over the past 50 years. These projects help to protect community greenspaces, build parks and trails, and improve 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 coordination from the county legislative authority within which the property lies.**



# State Legislative Agenda 2022

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.

### Courts

Provide counties with funds to alleviate the impacts of the already backlogged court system worsened by the pandemic.



## 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 state 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

Modern, safe, and working infrastructure is critical to county solid waste programs meeting growing demands and protecting the environment. Dedicated funding for investing in the future of solid waste management is crucial for success.

### 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.



## 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.

### State v. Blake

Provide funds to cover the full cost of the State v. Blake decision.



## Making Long-term Investments, Securing Long-term Solvency

### Road Maintenance

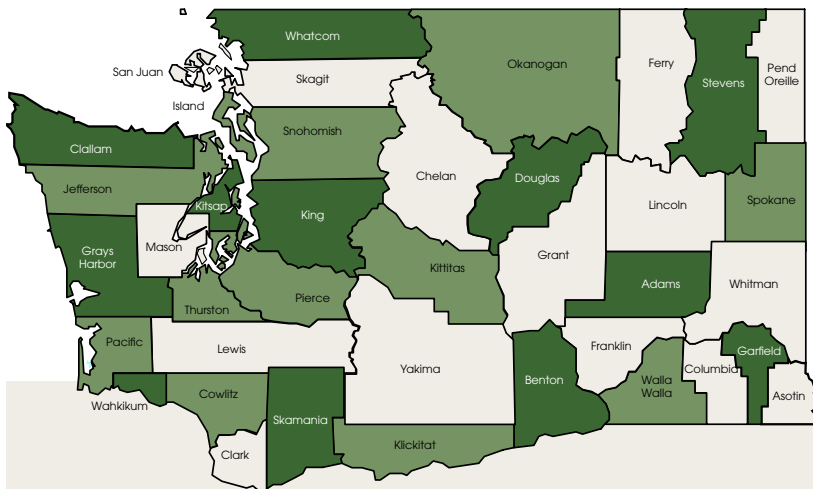
Reliable, sustainable funding for county transportation budgets.

### Capital Investments

Counties are responsible for maintaining a variety of public facilities and infrastructure and need state investment in water, sewer, solid waste, and buildings to keep them safe and functional.

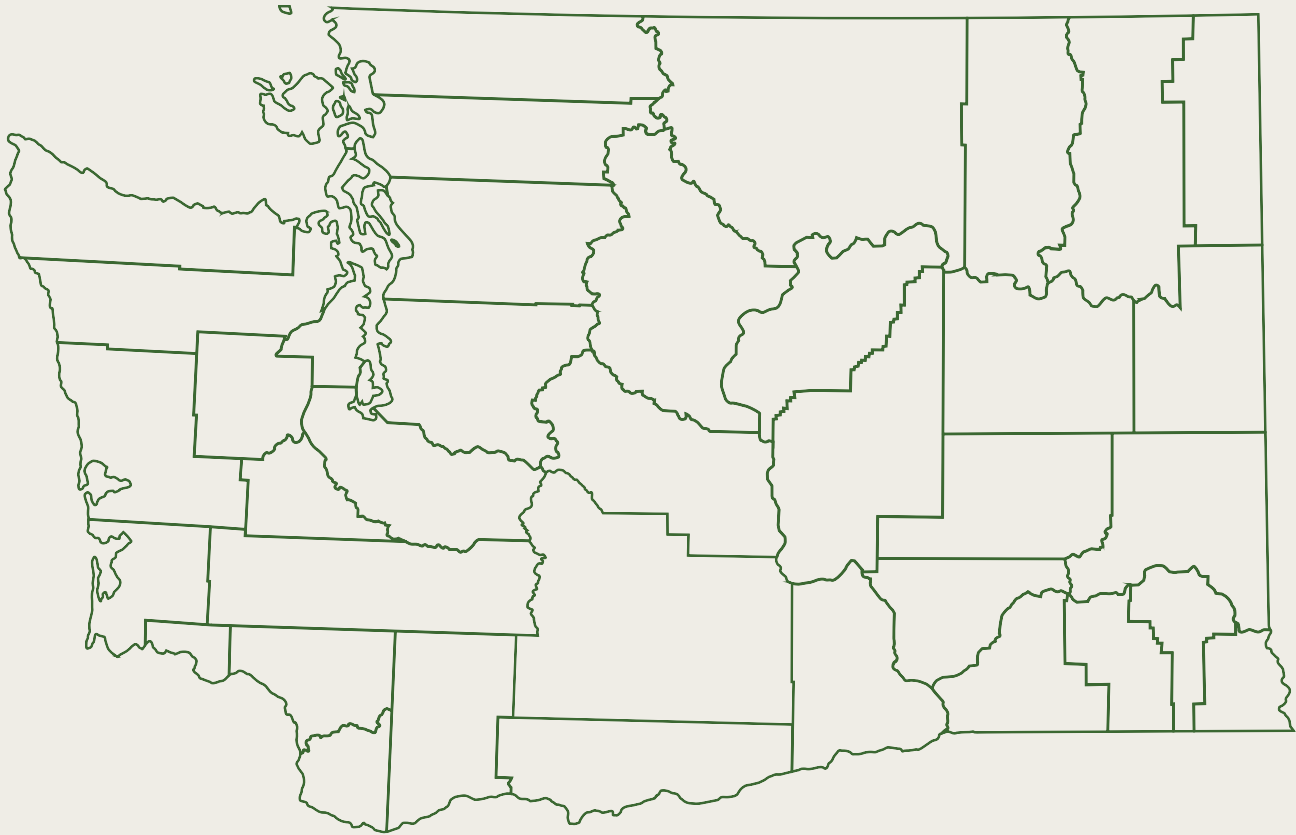
### Fiscal Solvency

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.



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