February 11, 2019

Hot topics
City Action Days is cancelled
We have made the difficult decision to cancel AWC’s City Action Days on February 13-14 due to inclement weather this week in Olympia. Find out what you need to know about cancellation logistics. We apologize for any inconvenience.

AWC’s economic development bill amended and voted out of committee
This priority bill allows local governments to compete for state sales tax credits to finance public infrastructure improvements that spur private investments. A less favorable substitute version of the bill was adopted and voted out of committee. We appreciate the committee’s work to keep the bill moving, but will be requesting an amendment to fix two pieces. Take our short survey to share your input.

House’s version of a housing and density bill is introduced
We expect that this bill will serve as one of the major vehicles to address the interest of legislators around land use and housing. We’ve summarized the key elements and welcome your feedback on impacts.

Watch testimony on one of AWC’s priorities – culvert funding
For the last several years, AWC and partners have focused on developing a comprehensive and strategic approach to culverts. Watch Carl testify for a coordinated approach to fish-blocking culverts.

Things you can do
Watch AWC testimony on minimum density requirements
AWC’s Carl Schroeder testifies against SB 5769, a proposal that would mandate density, along with our partner, Washington State Association of Counties (WSAC). Watch Carl’s testimony on TVW.

Media time
CityVoice podcast: The Public Works Trust Fund and fixing fish-blocking culverts
Washington state’s infrastructure is in serious need of repair. Listen in as members of AWC’s legislative team discuss the prospects for the Public Works Trust Fund and a comprehensive approach to fixing the state’s culverts.

View from the Hill
Snow closes the Capitol
Snow hit the Capitol and much of the state this weekend resulting in the Legislature cancelling all committee meetings for Monday, February 11. This is the first time that most people can recall the Legislature taking that step in the last 25 years or so. Several important legislative cutoff deadlines are approaching. Learn more ways that you can get involved in the coming weeks.

What you need to know
Affordable housing: Small city Multifamily Tax Exemption bill to be heard in Ways & Means. If you are a city under 15,000 that wants to use this tool, contact the committee and your legislators.

Bills to restore Public Works Trust Fund for infrastructure receive hearings. These proposals would support our housing and culverts legislative priorities.

Budget & finance: Companion park district bill gets a hearing.
Local tax flexibility.
B&O tax deadline to align with federal tax day.
Bill would create a new legal framework for short-term rentals, including taxing authority.

General government: House to hear bill on restricting weapons in libraries and parks.

Homelessness & human services: Bill to regulate religious homeless encampments returns. We’ve compared this proposal to the one we engaged on in 2015. Our concerns remain.

HR & labor relations: First-responder occupational disease bills get hearings.
Paid Family & Medical Leave technical fix bill gets second hearing.

continued
**Land use & planning**: Bill makes changes to Growth Management Hearings Board, including giving the Senate more of a role.

Bill restricts annexation covenants for utility services. We are requesting feedback from cities that have needed to use this method.

Companion bill that would change the number of lots eligible for the short plat process will be heard.

**Open government**: Hearing set for legislative public records bill.

**Pensions**: Committee to hear bill on PERS 1 COLA.

**Public safety & criminal justice**: Basic Law Enforcement Academy wait times reduction bill moves out of committee.

AGO request bill would consolidate traffic LFOs.

Bill would help fire departments recover hazardous waste cleanup costs.

Bills that would require firearm seizure and restricted access related to domestic violence and protection orders.

Bill proposing community service for litterers advances.

**Public works**: Public works contracting bill scheduled for committee vote.

Proposed changes to public works bidding process.

Hearing for bill making changes to public works contracting.

Proposal to rename PWTF the Washington State Infrastructure Bank.

**Transportation**: Preemption of cities' ability to impose employee-based taxes.

Bill expanding use for city traffic safety cameras set for hearing.

Motorized foot scooter bill to be heard this week.

Bill to require public fleets to become electric by 2020s.
Snow closes the Capitol

Snow hit the Capitol and much of the state this weekend resulting in the Legislature cancelling all committee meetings for Monday, February 11. This is the first time that most people can recall the Legislature taking that step in the last 25 years or so. However, safety is always the most important consideration. Governor Inslee has also issued a state of emergency (https://www.governor.wa.gov/sites/default/files/proclamations/19-02_State_of_Emergency.pdf?utm_medium=email&utm_source=govdelivery) as a result of the winter storms hitting the state.

AWC has also taken the unprecedented step of cancelling our City Action Days (https://wacities.org/news/2019/02/11/awc-city-action-days-cancelled) event on February 13 and 14. We were very much looking forward to the event, but safety is our primary concern. If you were planning to come to Olympia and now will be changing your plans, please be sure to contact your legislators’ offices and let them know you if you need to cancel any in-person meetings. If possible, suggest a phone meeting instead – that way you can still let them know about the important issues facing cities.

In light of the cancellation, we will be hosting a “Talk to your Lobbyist” webinar on Thursday, February 14 at noon. Watch for details on our website. We are also hosting AWC’s Lobby Day (https://wacities.org/events-education/Upcoming-AWC-events/events-details?ID=1854) on March 25 as another opportunity for you to visit Olympia.

This week and next wrap up the first stage of the session, next Friday, February 22 is the first cutoff date when bills must be voted out of their policy committee or they are considered “dead.” There are always exceptions to this rule – for example bills “necessary to implement the budget” (NTIB) work on a different timeline. That means that this week and next the committees will be hearing and voting on a large number of bills before the deadline. So now is the time for city officials to weigh in with your legislators on bills that are important for cities. AWC has developed a “hot sheet” that lists bills that are of particular importance to cities. This is a good tool to use in talking to your legislators.

While we are disappointed that we will not be hosting City Action Days this week, there are still ways that city officials can engage with your legislators.

• If you had an in-person meeting scheduled this week, you can always turn it into a phone meeting.
• Even if you didn’t have a meeting scheduled with your legislator, reach out to them with a phone call or email and remind them of your city’s and AWC’s priorities.
• Find out when your legislator will be hosting a local town hall meeting and plan to attend.

continued
Affordable housing

Bills to restore Public Works Trust Fund for infrastructure receive hearings
Contact: Carl Schroeder, Shannon McClelland

Two proposals we wrote about last week, HB 1680 and HB 1691, would restore diverted revenues to the Public Works Trust Fund (PWTF) for housing-related infrastructure, and to fund grants for locally owned fish-blocking culverts. Details on these proposals can be found in our previous article.

Please contact your legislators and let them know how much these bills would help your city.

Dates to remember
HB 1680 and HB 1691 will be heard on Tuesday, February 12 at 8 am in the House Capital Budget Committee.

Small city Multifamily Tax Exemption bill to be heard in Ways & Means
Contact: Carl Schroeder, Shannon McClelland

SB 5366 has passed out of its policy committee and will be heard on Monday in its fiscal committee.

The proposal allows small cities – those under 15,000 in population – to utilize the Multifamily Tax Exemption Program, which is an optional property tax abatement to incentivize multifamily apartment construction. This tool would be available to small cities until July 1, 2022.

AWC will be testifying in support.

We encourage any cities who would like access to this tool to communicate with the Ways & Means Committee and your legislators.

Dates to remember
SB 5366 will be heard in Senate Ways & Means Committee on Monday, February 11 at 3:30 pm.

House’s version of a housing and density bill is introduced
Contact: Carl Schroeder, Shannon McClelland

The long-awaited House of Representatives approach to the challenges of housing and density has been released and scheduled for a hearing on Monday morning. HB 1923 from Rep. Joe Fitzgibbon (D–Burien) is preferable to the approach in the Senate’s more preemptive proposal to this challenge; but the bill still has a number of significantly problematic elements from the city perspective. We appreciate the fact that the sponsor has been willing to work with us and we recognize that this is a work in progress.

We expect that this bill will serve as one of the major vehicles to address the interest of legislators around land use and housing. As such, we would greatly appreciate any feedback that you have, particularly anything you like or feel is unworkable.
Here's a summary of the key provisions:

**Section 1:**
Cities planning under the GMA with a population over 10,000 must, by December 31, 2022:

- Select and enact two policies from a menu of housing policy choices to increase residential building capacity. The options include: minimum densities near transit, pursuing SEPA planned actions, authorizing missing middle housing type (duplexes, triplex, courtyard apartments) on each parcel in one or more single family residential zones, limiting parking requirements, etc. Adoption of these policies is exempted from appeal under SEPA. These options are listed Section 1(1) (a)-(g) of the bill.
- Select and enact two or more actions to increase housing affordability. The current options in the bill are limited to adoption of an inclusionary zoning program in which at least 25% of new housing be affordable at 80% of the Area Median Income (AMI), or some other action to address affordability for very-low income households making 60% or less of the AMI. This is an area of the bill that is clearly a work-in-progress.

Cities would then be required to certify to the Department of Commerce (Commerce) that they had met their obligations. Once verified by Commerce, those cities would be eligible for a one-time $100,000 grant to support planning and outreach efforts.

**Section 2:**
The next section is where we believe the draft doesn't quite line up with the intent of the sponsor. We believe the concept is that cities would get the choice to either choose policies off the two “menus” or plan to a new and expanded housing element under the GMA. The bill draft as written, however, applies that new housing element planning requirement to all cities. The provisions of this section are identical to those in SB 5440, detailed in our previous article.

**Section 3:**
This element of the bill provides definitions in the GMA for affordable housing, extremely low-income household, very low-income household, and low-income household.

**Section 4:**
This section exempts from SEPA those amendments to development regulations enacted to comply with Section 1 of the bill.

**Section 5:**
The next section places further restrictions on city parking requirements in GMA planning counties:

- Minimum parking requirements may be no more than one parking space per bedroom for affordable housing units (80% AMI) within ¼ mile of a transit stop. Only transit stops where transit service is provided at least every fifteen minutes, twelve hours of the day are included.
- No minimum residential parking requirement may be imposed on housing units specifically for seniors or people with disabilities within ¼ mile of a transit stop with the same frequencies.

**Section 6-8:**
These sections specify that cities that are not in compliance with Section 1(1) and (2) of this act are not eligible for grants or loans from the water pollution control facilities fund, public works trust fund, or the centennial clean water account.
Section 9:
Specifies that a project evaluated under SEPA by a city planning under GMA is exempt from appeals on the basis of the evaluation of, or impacts to, transportation elements of the environment under these circumstances:
- The project does not present significant adverse impacts to state highways;
- The project is consistent with a locally-adopted transportation plan or transportation element; and
- Impact fees have been paid or impacts have been mitigated by an ordinance or ordinances of the city.

Section 10:
The bill also makes changes and extends the transit-oriented-development SEPA planned action authority that provides a limited protection from appeal (RCW 43.21C.420).

Section 11:
This section makes changes to the state's Planning and Environmental Review Fund, which hasn’t had money for grants in many years.

Section 12:
The next section states that permanent supportive housing must be a permitted use in all areas where multifamily housing is permitted. Neither type of housing is defined.

Finally, Section 13 declares that cities may not charge a higher per unit fee for multifamily residential construction than they do for single-family residential construction.

Again, we would greatly appreciate any feedback you have.

Budget & finance
Bill would create a new legal framework for short-term rentals
Contact: Carl Schroeder, Shannon McClelland

HB 1798, sponsored by Cindy Ryu (D-Shoreline), establishes new requirements for those who operate short-term rentals and platforms that advertise these rentals, including consumer safety and liability insurance. The bill also subjects short-term rentals to the taxes, fees, and assessments paid by a hotel or bed and breakfast in the same jurisdiction – including occupancy, sales, and lodging taxes.

According to the bill, a short-term rental is defined as a lodging use provided to a guest for a fee for fewer than thirty consecutive nights. A short-term rental is not:
- A hotel, motel, or bed and breakfast;
- A dwelling unit that is occupied by the owner for at least six months during the calendar year and in which fewer than three rooms are rented at any time;
- A dwelling unit, or portion thereof, that is used by the same person for thirty or more consecutive nights; and
- A dwelling unit, or portion thereof, that is operated by a charity organization, private foundation, or government entity and provides temporary housing to individuals (or their family members) who are being treated for trauma, injury, or disease.

The bill’s companion, SB 5870, is sponsored by Sen. Marko Liias (D-Edmonds) and is also up for a hearing this week.

continued
**Dates to remember**

**HB 1798** is scheduled for a hearing in the House Consumer Protection & Business Committee on Tuesday, February 12 at 1:30 pm.

**SB 5870** is scheduled for a hearing in the Senate Financial Institutions, Economic Development & Trade Committee on Tuesday, February 12 at 8 am.

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**B&O tax filer deadline to align with federal tax day**

Contact: Candice Bock, Andrew Pittelkau

Rep. Luanne Van Werven (R–Lynden) sponsored **HB 1059** aligning the due date of annual B&O tax payments and federal tax payments on April 15.

Annual filers must pay their state B&O taxes by January 31. The original version of the bill had a deadline of March 1. On February 5, during the executive session in the House Finance Committee, an amendment was adopted moving the date to April 15. The bill has been referred to the House Appropriations committee. The bill has not been scheduled for a hearing.

AWC is monitoring this bill. There are 45 cities that have a local B&O tax that could be affected by this change.

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**Local tax flexibility**

Contact: Candice Bock, Andrew Pittelkau

Rep. Mike Volz (R–Spokane) sponsored **HB 1718** changing how cities can use sales tax for delivery of chemical dependency or mental health treatment and the application of levy lid lifts.

The bill repeals the language restricting use to providing new or expansion of programs and services and the supplanting clause associated with the sales and use tax for chemical dependency and mental health treatment programs. By repealing these clauses, cities would be allowed to use (what is commonly referred to as) the mental health sales tax to maintain existing programs and divert other funding sources that are used in support of these programs.

Cities in King County that have approved a levy lid lift are currently prohibited from using levy lid lift revenue to supplant existing funds. This bill would remove the prohibition on supplanting of property tax levy lid lift revenue. Cities outside of King County already have the option to supplant levy lid lift revenue.

The bill also changes the classification of veterans’ levies and the mental health levy. The levies would be independent of the regular property tax levy and placed above junior taxing districts in the hierarchy of property tax rates.

AWC supports the additional fiscal flexibility provided by **HB 1718**.

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**Dates to remember**

The bill is being heard in the House Local Government Committee on Tuesday, February 12 at 10 am.

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Companion Park Benefit District bill gets a hearing
Contact: Candice Bock, Andrew Pittelkau

Sen. Marko Liias (D–Lynnwood) sponsored SB 5680 as a companion bill to HB 1371. The two bills allow legislative authorities in a city, county, or existing park district to create park benefit districts (PBD).

The bill would allow for a voter-approved increase of sales and use tax, not to exceed one-tenth of one percent. The funds would be used to acquire, construct, improve, and maintain parks in the PBD.

The bill also allows PBD’s to implement special assessments which are similar to local improvement district assessments under RCW 35.43.

HB 1371 was passed out of committee with a “do pass” recommendation as a substitute bill on February 6. The substitute bill:
• Reduces the maximum term of bonds;
• Eliminates the park impact fees on commercial buildings;
• Requires cities to implement impact fees instead of the district;
• Requires interlocal agreements for imposing the impact fee;
• Prevents residents assessed impact fees from also being charged assessment fees; and
• Clarifies the collection of sales and use tax when more than one jurisdiction can collect the tax on a specific park.

Dates to remember
SB 5680 is scheduled for a hearing on Thursday, February 14 at 8 am before the Senate Local Government Committee.

Preemption of cities ability to impose employee-based taxes
Contact: Candice Bock, Andrew Pittelkau

Sen. Mark Schoesler (R–Ritzville) sponsored SB 5589 preempting cities from imposing employee-based taxes. The bill has an effective date of January 1, 2019. Any tax that is imposed after that date based on employee wages, hours, or number of positions would be prohibited.

A number of cities currently have business taxes or license fees based on employee hours or numbers of employees. Those cities have successfully worked with their local employers to use these types of classifications in determining how to impose business taxes to help fund the service impacts of large employers in their communities.

While this bill doesn’t impact those approaches already in place, AWC opposes the preemption on local taxing authority because it would restrict cities from having those options in the future.

Dates to remember
The bill is scheduled for a public hearing before the Senate Local Government Committee at 8 am on February 12.
Economic development

AWC’s economic development bill amended and voted out of committee
Contact: Candice Bock, Brandon Anderson

SB 5564 is AWC’s economic development priority bill that allows local governments to compete for state sales tax credits to finance public infrastructure improvements that spur private investments. Last week a substitute version of the bill was adopted and voted out of the Senate Financial Institutions, Economic Development & Trade Committee and referred to the Senate Ways & Means Committee. The substitute version of the bill reduced the state’s annual credit against the state sales and use tax from $15 million under the original version to $4,965,000 per year and limited the number of allowable projects to three.

AWC appreciates the work of the committee to keep the bill moving, but will be requesting an amendment to increase the state contribution rate and remove the limit on the number of projects.

Through a competitive grant process, SB 5564 would allow cities to create development areas where annual increases in revenues from local sales and use taxes and local property taxes would be measured. These increases in revenues and any additional funds from other local public sources would then be used to pay for public improvements in the development area and used to match a state contribution. State funding for the program is provided through a credit against the state sales tax. The state sales tax credit is then used to finance public improvements that encourage job creation and private development. Local government award recipients could receive up to:
- $1 million per year for 20 years;
- $800,000 per year for 25 years; or
- $665,000 per year for 30 years.

AWC wants to hear from you!
Please complete a short 4-question survey (https://awc.co1.qualtrics.com/jfe/form/SV_06tnOeNAmEq8ApL) regarding your city’s interest in SB 5564. For more information on SB 5564, please visit AWC’s legislative priority webpage. We encourage cities to contact your Senators and ask them to support this proposal.

General government

House to hear bill on restricting weapons in libraries and parks
Contact: Candice Bock, Brandon Anderson

HB 1530, restricting weapons in certain locations, is scheduled for a public hearing. The bill prohibits the possession of firearms, stun guns, dangerous weapons, and air guns on the premises of libraries, local government parks, and child care centers.

A live feed or archived video of both public hearings will be available for viewing on the TVW website.

Dates to remember
HB 1530 will be heard in the House Civil Rights & Judiciary Committee on Wednesday, February 13 at 8 am.
HR & labor relations

Paid Family & Medical Leave technical fix bill gets second hearing
Contact: Logan Bahr, Brandon Anderson

SHB 1399, making technical changes to the Paid Family & Medical Leave (PFML) program, is scheduled for a hearing in the House Appropriations Committee. The bill makes technical fixes regarding employer waivers, benefits, voluntary plans, disclosure and privacy, the qualifying period, waiting periods, and other matters.

The bill was previously heard and passed out of the House Labor & Workplace Standards Committee.

Dates to remember
SHB 1399 will be heard in the House Appropriations Committee on Thursday, February 14 at 3:30 pm.

First-responder occupational disease bills get hearings
Contact: Logan Bahr, Brandon Anderson

HB 1913, and its companion SB 5849, are scheduled for public hearings in the House and Senate labor committees this week. Both bills would create new workers’ compensation presumptions for first responders. The new presumptions include additional cancers and infectious diseases.

The bills would also create an advisory committee on occupational disease presumptions within the Washington State Department of Labor and Industries (L&I) that would review scientific evidence and make recommendations to the Legislature for any future presumptive diseases or disorders for first responders.

AWC supports these bills. These bills were the product of months-long negotiations among cities, counties, and first responder advocacy groups.

Dates to remember
HB 1913 will be heard in the House Labor & Workplace Standards Committee on Tuesday, February 12 at 3:30 pm.

SB 5849 will be heard in the Senate Labor & Commerce Committee on Thursday, February 14 at 8 am.

Homelessness & human services

Bill to regulate religious homeless encampments returns
Contact: Carl Schroeder, Shannon McClelland

HB 1754, and its companion SB 5644, brings back a proposal that we saw in 2015. As we did then, we have concerns that this proposal would undermine locally negotiated agreements between cities and their faith communities. We are working with the sponsor to understand what problem it is that this bill would address. We are looking for ways to ensure the ability for cities to regulate the location, frequency, and cumulative community impact of these hostings and are concerned about the language that prescriptively limits that.
Some specific concerns we have with current proposals are:

- This year’s version waters down intent language in Section 1. Instead of local governments having the authority and discretion to protect the health and safety, cities would “have the discretion to bring guidance for the health and safety…” The former is much better because it’s accurate regarding our police powers.

- Sex offender checks – Under this language a host “must ensure” that the checks are completed by city or local law enforcement. That’s unchanged from the last version, except now this is only required if the hosting is publicly funded or is required in an MOU. And this section is unclear as to what happens if a guest is a sex offender. It appears the host gets to make that determination. One city raised concerns that this language would undermine their ordinance which precludes registered sex offenders or those with active warrants from staying at these encampments.

- The language on safety for indoor shelter is new and concerning. Fire safety requirements are too minimal.

- The language on small houses needs work and will likely be opposed by some cities as a loss of local control over when and where small home villages are appropriate. Fire safety requirements are concerning. Also, this proposal requires that houses should be allowed for at least one year. The language also seems to automatically allow a renewable by MOU.

AWC was engaged with the proponents on this proposal during the interim. We will continue to work with the sponsors on the necessity of this policy.

HB 1754 is scheduled for a committee vote this week.

Land use & planning

Bill restricts annexation covenants for utility services

Contact: Carl Schroeder, Shannon McClelland

HB 1737, sponsored by Rep. Vicki Kraft (R–Vancouver), would prohibit a city from requiring the owner of a property located outside its limits to enter into a utility service annexation covenant as a condition of extending utilities to the property. The bill clarifies the city is not obligated to extend utilities outside its boundaries. The bill also does not appear to prohibit an annexation covenant if the landowner consents.

We know that this is an important means of annexation in some cities. For those cities, we would appreciate some examples of how it has been helpful where other annexation methods would not have worked.

Dates to remember

HB 1737 will be heard Friday, February 15 at 10 am in the House Local Government Committee.
Companion short plat bill will be heard
Contact: Carl Schroeder, Shannon McClelland

HB 1690, sponsored by Rep. Amy Walen (D–Kirkland), is the companion to SB 5008, which had a hearing in mid-January and is now awaiting a vote on the floor of the Senate.

Generally, short subdivisions remain defined as the division of land into four or fewer lots. However, this bill would allow jurisdictions not planning under the GMA to, by local ordinance, increase the number of lots, tracts, or parcels to nine. Those jurisdictions planning under the GMA would be required to process subdivisions of up to nine lots, tracts, or parcels, through the short subdivision process; and, by ordinance, a city could increase the number to 30 within a UGA.

We support the interest in facilitating residential housing development, but testified on the companion, SB 5008, with concerns about the provisions of this bill that mandate moving from four units to nine as a default minimum. Among other reasons, because some cities have concern about the lack of public hearings for short subdivisions and don’t have other robust public engagement mechanisms.

Does this concern your city? Please reach out to Carl or Shannon with any comments. Thank you to those who submitted comments on the Senate companion.

Dates to remember
HB 1690 is scheduled for a hearing in the House Local Government Committee at 10 am on Tuesday, February 12.

Bill makes changes to Growth Management Hearings Board
Contact: Carl Schroeder, Shannon McClelland

SB 5630, sponsored by Sen. Sharon Brown (R–Kennewick), proposes changes to the membership of the Growth Management Hearings Board (GMHB) and gives the Senate a larger role. The bill makes the following changes:
• Members must have experience and training (instead of or) in land use and planning;
• Practical experience must be demonstrated to the Senate;
• The Governor would need the consent of the Senate on any appointment to the GMHB, including filling vacant positions; and
• At least three members must have experience as a city or county planner—one each from the central Puget Sound, eastern Washington, and western Washington regions.

Dates to remember
SB 5630 is scheduled for a hearing in the Senate Local Government Committee on Tuesday, February 12 at 8 am.
Open government

Public records inspection availability bill set for hearing
Contact: Candice Bock, Brandon Anderson

SB 5787, concerning hours of availability for inspection and copying of public records, is scheduled for a public hearing. This bill provides special allowances for cities and towns that maintain office hours for less than thirty hours per week as to timeframes for determining when a records request was made.

For cities and towns impacted, a public records request is considered made when:
• Contact with personnel of the city or town results in such personnel actually knowing that a request is being made; or
• Proof that delivery of a properly addressed certified letter, return receipt requested, was attempted, whether or not the letter is accepted.

The city or town must respond within the time requirements of RCW 42.56.520 and the request is considered received either as of the date of the next regularly scheduled meeting or thirty days from the date the request is made, depending on which is sooner.

A live feed or archived video of the public hearing we be available for viewing on the TVW website.

Dates to remember
SB 5787 will be heard in the Senate State Government, Tribal Relations & Elections Committee on Friday, February 15 at 1:30 pm.

Hearing set for legislative public records bill
Contact: Candice Bock, Brandon Anderson

SB 5784, concerning public records disclosure of the legislative branch, is scheduled for a Wednesday public hearing. This bill expands the Public Records Act (PRA) to the legislative branch while creating a series of exemptions for the legislative deliberations. If passed, the legislative branch would be subject to the PRA, but the following records would be exempt from public disclosure:
• Drafts of bills and draft amendments to bills
• Memoranda containing legal, policy or fiscal analyses
• Proposals, offers, counteroffers, or other records related to negotiations
• Any record of how a legislator intends to vote
• Internal caucus communications
• Notes taken by staff for the use of the person taking notes
• Preliminary investigative records
• Personally-identifying information in communication with individuals (does not apply to communications with lobbyists)

Prior to the 2018 legislative session, a media-led coalition filed a lawsuit against the Legislature seeking access to legislative public records. In January, the trial court ruled that the Legislature is subject to the PRA. In response to the court’s ruling, during the 2018 session legislators quickly passed SB 6617 with major bipartisan support, removing the Legislature from the PRA and establishing separate less stringent public disclosure requirements for the Legislature. Following public backlash, Governor Jay Inslee vetoed the measure after legislators agreed not to override his action. The lawsuit remains ongoing and the state Supreme Court has indicated interest in hearing the case.

Dates to remember
SB 5784 is scheduled for a public hearing in the Senate State Government, Tribal Relations & Elections Committee on Wednesday, February 13 at 8 am.

continued
Pensions

Committee to hear bill on PERS 1 COLA
Contact: Logan Bahr, Brandon Anderson

HB 1390, which provides a Cost of Living Adjustment (COLA) for Plan 1 members of the Public Employees’ Retirement System (PERS), is scheduled for a public hearing in the House Appropriations Committee on Monday, February 11. The bill includes a one-time 3 percent COLA, capped at a maximum increase of $62.50 per month, for all members not receiving a minimum benefit.

During the 2018 legislative session, the Legislature passed SSB 6340, which implemented a one-time 1.5 percent COLA, capped at a maximum increase of $62.50 per month, for all members not receiving a minimum benefit.

In October 2018, AWC lobbyist Logan Bahr provided the city perspective in his testimony to the Select Committee on Pension Policy, “Our primary concern is the significant cost of the ad-hoc [PERS 1] COLA on local governments… Local governments continue to struggle with limited revenue options, decreased state resources, and lack of control on cost drivers.”

AWC is currently opposed to the bill and will continue to engage policymakers and monitor all developments on this bill.

Dates to remember
HB 1390 is scheduled for a public hearing in the House Appropriations Committee on Monday, February 11.

Public safety & criminal justice

Basic Law Enforcement Academy wait times reduction bill moves
Contact: Sharon Swanson, Shannon McClelland

HB 1253 requires newly-hired law enforcement personnel to begin Basic Law Enforcement Academy (BLEA) training within two months of employment, rather than the current six months, unless the Criminal Justice Training Commission waives or extends the requirement.

HB 1253 moved out of the policy committee and now awaits a hearing in the House Appropriations Committee.

AWC supports this legislation.

Bill would help fire departments recover cleanup costs
Contact: Sharon Swanson, Shannon McClelland

HB 1169, sponsored by Rep. Strom Peterson (D–Edmonds), allows a fire protection district, regional fire protection service authority, and municipal fire department to recover the reasonable costs associated with the cleanup of hazardous waste.

HB 1169 includes recovery for the removal of hazardous materials, including debris or vehicle fluids of any kind, when responding to an incident on private or public property. To apply, the bill requires the incident must involve an insured party. The amount of the claim by the fire department cannot exceed the insured party’s policy liability limit, except in cases where extraordinary costs are incurred.

The bill has successfully advanced out of committee and now awaits floor action.

AWC supports the bill.
Firearm seizure and restricted access related to domestic violence and protection orders
Contact: Sharon Swanson, Shannon McClelland

Multiple bills addressing domestic violence, protection orders, and firearms are moving through the Legislature this session.

HB 1225, sponsored by Rep. Laurie Jinkins (D–Tacoma), establishes requirements for law enforcement officers when responding to domestic violence calls. The bill includes standards for removal of firearms and ammunition upon probable cause to believe a crime was committed. HB 1225 also requires law enforcement officers to question the victim about the alleged abuser’s access to, and past use of, firearms. The statute addressing the responsibilities of law enforcement officers relating to domestic violence offenses is reorganized into three separate statutes addressing officer duties when responding to a domestic violence call, domestic violence training requirements, and requirements relating to records and reports of domestic violence incidents. A link to the hearing on the bill can be found at TVW (https://www.tvw.org/watch/?eventID=2019011182).

SB 5027, sponsored by Sen. David Frockt (D–Seattle), increases the penalty for violation of an Extreme Risk Protection Order (ERPO) from a gross misdemeanor to a Class C felony on a person’s second conviction rather than the third. An extreme risk protection order (ERPO) is a civil court order that temporarily prevents individuals who are at a high risk of harming themselves or others from accessing firearms.

The bill authorizes a court to enter an ERPO against a person under the age of eighteen years and requires notice to the person’s parent or guardian of the legal obligation to safely secure any firearms.

SB 5027 requires the court to give law enforcement priority for any ERPO proceeding and allows law enforcement to petition after hours, recognizing the importance of immediate temporary removal of firearms in situations of extreme risk. The court may allow law enforcement to participate by phone for the proceeding or allow the prosecutor’s office to present information to the court. A link to the hearing on the bill can be found at TVW (https://www.tvw.org/watch/?eventID=2019011104).

SB 5143, sponsored by Sen. Manka Dhingra (D–Redmond), requires a law enforcement officer who responds to a domestic violence call and has probable cause to believe that a crime has been committed shall, to the extent feasible and otherwise allowed by law, seize all firearms and ammunition the officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense. The officer may seize all firearms and ammunition in plain sight or discovered pursuant to a consensual or other lawful search. SB 5143 prohibits law enforcement from returning a seized firearm to an individual until after five business days of the seizure.

The bill also provides that local governments are immune from civil liability for damages arising out of the seizure or failure to seize a firearm, unless it is shown the officer or agency acted with gross negligence or in bad faith. A link to the hearing on the bill can be found at TVW (https://www.tvw.org/watch/?eventID=2019011158).

All three of these bills have successfully advanced out of committee and await floor action.

continued
Bill proposing community service for litterers advances
Contact: Sharon Swanson, Shannon McClelland

HB 1088 adds a requirement that a person who commits a second or subsequent littering offense must perform 40 hours of litter removal. The litter removal may be performed on private or public property. Any hours in which a person performs court-ordered litter removal from the property where the littering occurred must be deducted from the 40 hours.

The bill successfully moved out committee and is now awaiting floor action.
AWC supports this legislation.

AGO request bill would consolidate traffic LFOs
Contact: Sharon Swanson, Shannon McClelland

HB 1489, requested by Attorney General Bob Ferguson and sponsored by Rep. Roger Goodman (D–Kirkland), seeks to address persons with suspended driving privileges due to unpaid traffic fines in multiple jurisdictions. The bill would create a program to consolidate the unpaid fines into a single affordable payment plan, which will allow participants to reinstate their driving privileges.

HB 1489 creates a system managed by the Administrative Office of the Courts (AOC), which would provide a single point of contact to discharge traffic-based fines, eliminating most collection fees. The bill allows AOC to assess an administrative fee to participants that must be used to support administration of the program. The remainder of a participant’s monthly payment is divided equally among all debts. The bill does not preempt existing local payment programs.

A person qualifies for the program if the person has unpaid traffic-based financial obligations imposed by two or more different courts of limited jurisdiction. A person successfully enters the program when they complete an application, enter into a payment plan, and make their first payment. Upon entering the program, AOC notifies the courts which are owed payments. The court then notifies the Department of Licensing (DOL) and the license is reinstated.

If the participant makes monthly payments, they can stay in the program and unpaid accrued interest is suspended. Upon successful completion of the program, accrued interest is waived. If a participant is removed from the program, AOC must immediately notify the relevant courts, the courts are then required to notify DOL, and the license is suspended.

The bill, if passed, takes effect January 1, 2021.
WSPC & WAPA have concerns about the bill applying to DUIs and driving offenses up to a gross misdemeanor.

If you have any questions or concerns, please contact Sharon Swanson or Shannon McClelland.

Dates to remember
HB 1489 is scheduled for a hearing in the House Civil Rights & Judiciary Committee at 10 am on Friday, February 15.
Public works

Public works contracting bill updates
Contact: Candice Bock or Andrew Pittelkau

HB 1295 will be up for a vote during executive action in the House Capital Budget Committee. This is one of many bills under consideration this session that makes changes to the public works bidding process. Changes included in this bill:
- Work order amounts increased from $350,000 to $500,000;
- The number of job orders that can be awarded is increased from 2 to 3;
- Job orders may be used by any public entity;
- Contracts of over $350,000 and 600 hours in a single trade are required to use apprentices;
- Design-build limits are removed;
- Evaluation criteria for design-build contracts must include minority women owned business certification and reporting requirements; and
- The signed contract must include the minority women owned business and veteran business reporting requirement.

SB 5656 sponsored by Sen. David Frockt (D–Seattle) makes changes to public works contracting procedures. The bill is similar to HB 1295 making the following changes:
- Work order amounts increased from $350,000 to $500,000;
- The number of job orders that can be awarded is increased from 2 to 3;
- Job orders may be used by any public entity;
- Contracts of over $350,000 and 600 hours in a single trade are required to use apprentices;
- Design-build limits are removed;
- Evaluation criteria for design-build contracts must include minority women owned business certification and reporting requirements; and
- The signed contract must include the minority women owned business and veteran business reporting requirement.

SB 5656 differs from HB 1295 by requiring:
- The project committee to make determinations during public meetings; and
- Public entities utilizing design-build contracting shall provide contract documents requiring the design builder plans for the inclusion of underutilized subcontractors and suppliers from minority women owned businesses, veteran owned businesses and small businesses.

Dates to remember
HB 1295 is up for executive action on Tuesday, February 12 in the House Capital Budget Committee at 8 am.

SB 5656 is scheduled for a public hearing on Friday, February 15 in the Senate State Government, Tribal Elections & Tribal Committee at 1:30 pm.
Proposed changes to public works bidding process
Contact: Candice Bock, Andrew Pittelkau

Sen. Judy Warnick (R–Moses Lake) sponsored SB 5702 changing the public works bidding process. The bill requires cities to provide all bidders copies of the bids within 2 business days after the opening of a bid. The city would then need to wait an additional two days before offering a contract to the winning bidder.

Protesting bidders retain all of their rights of equitable relief even if they failed to provide a written protest within the two days of receiving bid information from the cities.

AWC is monitoring changes to the public works bidding process.

Dates to remember
The bill will be heard Thursday, February 14 in the Senate Local Government Committee at 8 am.

Transportation
Motorized foot scooter bill to be heard this week
Contact: Logan Bahr, Andrew Pittelkau

Sen. Marko Liias’ (D–Lynnwood) bill SB 5751 seeks to provide regulatory certainty for motorized foot scooters. The bill would require that scooters not exceed 15 miles per hour or be operated by persons under the age of sixteen. The bill provides that local jurisdictions may:

- Restrict the maximum speed of the devices in pedestrian areas;
- Assess penalties for moving and parking violations; and
- Regulate share scooter businesses by requiring reasonable fees and indemnification, designating staging zones, requiring data sharing, and more.

However, the bill also limits local jurisdictions’ authority to regulate the vehicles. The bill prescribes that a local authority may not impose any unduly restrictive requirement on a scooter share operator, including that a jurisdiction may not apply more restrictive regulations to users of scooter share vehicles than privately-owned scooters or bicycles.

AWC has concerns that the current version of the bill limits city authority to provide effective regulation and we will continue to engage on this bill.

Dates to remember
A public hearing is scheduled for Thursday, February 14 before the Senate Transportation Committee at 3:30 pm.
Bill to require public fleets to become electric by late 2020s
Contact: Logan Bahr, Andrew Pittelkau

HB 1832, sponsored by Rep. Nicole Macri (D–Seattle), would mandate that all public agencies in Washington, including local governments, move their fleets to electric vehicles by the mid-late 2020s.

All passenger and light duty vehicles would be required to be electric if it has a model year of 2025 or later. All medium and heavy-duty vehicles would be required to be electric if it has a model year of 2027 or later. The bill provides exemptions from the requirement for emergency response vehicles and other vehicles for which no adequate electrical vehicle exists. AWC has concerns on the mandatory nature of the bill and the substantial costs it would impose.

Dates to remember
A hearing is scheduled for Wednesday, February 13 in the House State Government & Tribal Relations Committee at 1:30 pm.

Bill expanding uses for city traffic safety cameras set for hearing
Contact: Logan Bahr, Andrew Pittelkau

AWC supports SB 5789, and its companion HB 1793, which would expand the types of violations that automatic traffic safety cameras can be used to detect. Automatic traffic safety cameras may currently be used to cite infractions at stoplights, railroad crossings, school speed zones, and certain other speed zones.

SB 5789 and HB 1793 would allow traffic cameras to be used to detect drivers who:
• Obstruct traffic;
• Stop within an intersection or crosswalk;
• Illegally drive in transit-only lanes; or,
• Stop, block, or park in a zone restricted to emergency response vehicles and public transit.

Dates to remember
SB 5789 was scheduled to be heard on Monday, February 11 (cancelled due to inclement weather) in the Senate Transportation Committee.

HB 1793 will be heard on Thursday, February 14 in the House Transportation Committee at 3:30 pm.
AWC Legislative Contacts

During the legislative session, AWC’s lobbyists often are unable to return your phone calls immediately. If you have a legislative or specific issue question, please request AWC’s analyst staff, or send them an email.

Call AWC at (360) 753-4137 or 1-800-562-8981

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