Hot topics
Initiative 940 "fix" bills scheduled for a hearing
Two companion bills that are identical to HB 3003 from last session are scheduled for hearings. The bills would modify several provisions of I-940, passed by the voters in November 2018.

AWC signs amicus supporting city rights-of-way
AWC will file an amicus brief supporting cities' privilege to govern public rights-of-way. The amicus will support legal challenges to the FCC declaratory ruling on siting of 5G small cell wireless facilities.

Public defense funding bill returns
WSAC introduced a bill that puts the responsibility of public defense funding back on the state. A hearing is scheduled for this week.

Media time
CityVoice Podcast Episode 2: Affordable housing
It's an issue that has ramifications for homelessness, economic development, the environment, and more. Listen in as Government Relations Advocate Carl Schroeder talks with Deputy CEO Alicia Seegers Martinelli about the challenges and opportunities related to affordable housing. AWC's CityVoice Podcast is a convenient way to keep up with the issues affecting Washington cities.

Local twist: Aligning levels of authority in an age of preemption
Cities have legal rights to make local decisions that impact their communities. But what happens when other levels of government try to override those decisions? Read how some Washington cities stood for what they believed in and won.

Things you can do
Register for AWC's upcoming Olympia events
Mayors Exchange | January 23
City Action Days | February 13-14

Take the Ruckelshaus Center growth planning survey
If you haven't had a chance to take part in the Ruckelshaus Center's workshops on the future of the Growth Management Act, you can still share your feedback. Please take a moment to fill out this survey so that your perspectives can inform the center's work as they make recommendations for potential changes to the state's growth planning frameworks.

View from the Hill
2019 Legislative Session is here!
After months of preparation and buzz, the 2019 Legislative Session is finally here. The first week of session is a whirlwind combination of formal ceremonies and speeches, lawmakers getting up to speed on topics, and some committee hearings on bills. Find out what you can expect and gain some insight into the 105-day session.

What you need to know
Budget & finance: Transparency of local taxing districts.
Cannabis: Bill restricting cannabis business siting gets a hearing. Notably, this bill affects current cannabis license holders.
Governor announces initiative to pardon marijuana misdemeanors.
Federal: A partial shutdown of the federal government was initiated on December 21 when the White House and Congress failed to reach agreement on seven appropriations spending bills. Check out these NLC resources.
General government: Study bill would create a disaster planning work group with AWC as a member.
HR & labor relations: Premiums have begun but cities still face unanswered PFML implementation questions.
Open government: Just how much does Public Records Act compliance cost cities and towns? This new JLARC brief brings the state one step closer to finding out.
Pensions: The Department of Retirement Systems (DRS) has released their 2019 retirement planning seminars for members of the LEOFF, PERS, and PSERS systems.
DRS has released their 2018 financial report on the state's eight public pension systems.
Public safety & criminal justice: Settlement approved in Trueblood case.
Transportation: Automated Driving System (ADS) demonstration grants.
I-976 aims to reduce motor vehicle fees.

continued
View from the Hill

2019 Legislative Session is here!

After months of preparation and buzz, the 2019 Legislative Session is finally here. The session kicks off this week and lasts 105 consecutive days through the end of April. The first week of session is a whirlwind combination of formal ceremonies and speeches, lawmakers getting up to speed on topics, and some committee hearings on bills.

On the first day there will be swearing-in ceremonies. Tuesday, Governor Inslee will address the Legislature with his State of the State address. Wednesday, the Chief Justice of the State Supreme Court will provide the State of the Judiciary address.

The Legislature will also take care of housekeeping items like adopting their rules and the session cutoff calendar, which governs deadlines for bill and floor action throughout session.

This week, Legislative Committees (http://leg.wa.gov/legislature/Pages/CommitteeListing.aspx) will also be meeting. Many of the meetings focus on getting organized and include work sessions on topics the committee is likely to discuss. This year, given the number of new legislators, there are several new committees, chairs, and members which means that these orientation meetings are important to get everyone fully prepared for the months ahead.

The committees are also hearing some bills this week; however, the schedule is relatively light. Expect a much heavier schedule next week. Each week in our Legislative Bulletin, AWC staff will highlight bills of interest to cities that are being heard that week. This week, some of the highlights include hearings on bills to revise Initiative 940, and hearings on the Governor’s proposed budgets.

During the legislative interim, we asked you to contact your local legislators and make them aware of cities' priorities for the 2019 session. We really appreciate all of the cities for their outreach over the last several months. We encourage you to keep it up throughout session.

AWC’s Advocacy webpage (wacities.org/advocacy) and our Bulletin are great sources of information for keeping up to speed on legislation impacting cities. You can also find contact information and committee assignments for legislators there. The Legislature’s website (http://leg.wa.gov/) is also a great resource for information about legislators, bills, meeting schedules, and basics like maps and where you can park. If you can’t make it to Olympia, but want to watch the action, you can do so via TVW (https://www.tvw.org/), which carries both live broadcasts of legislative meetings and archives so you can catch up on a hearing that you missed.

If you need any assistance navigating the legislative process, answering questions about bills, or contacting legislators, please don’t hesitate to ask AWC for help. We are happy to help and there is no such thing as a dumb question. We want you to have the information and resources you need to be strong advocates for your city.

I also want to invite you to the Capitol and AWC’s offices during the 2019 Session. AWC will be hosting three events during session – Mayors Exchange (wacities.org/events-education/Upcoming-AWC-events/events-details?ID=1826) and City Action Days (wacities.org/events-education/conferences/city-action-days) and AWC’s Lobby Day (scheduled for March 25, registration info will be available soon). Of course, you can come to Olympia any time to meet with your legislators and participate in committee hearings. When you are in Olympia, please feel free to stop by AWC. If you need meeting space or just a cup of coffee, we want you to feel like AWC is your home away from home.

continued
Budget & finance

Transparency of local taxing districts
Contact: Candice Bock, Andrew Pittelkau

Sen. Bob Hasegawa (D-Seattle) introduced SB 5024, which will be heard in the Senate Local Government Committee on Thursday, January 17 at 8 am.

The bill is similar to a proposal by Sen. Hasegawa from 2018. This year’s version requires cities operating utilities with more than 5,000 customers to disclose state and local tax rates on billing statements.

Last session AWC and individual cities expressed concerns with the bill, noting that it could require many cities to upgrade their billing systems to accommodate these changes without additional funding or a grandfathering of existing systems. If cities are required to make these changes, they may need additional time to implement.

We will continue to work with the sponsor to address our concerns and see if there are other ways to provide the transparency that the sponsor is seeking.

Cannabis

Governor announces initiative to pardon marijuana misdemeanors
Contact: Sharon Swanson, Shannon McClelland

Governor Jay Inslee recently announced a Marijuana Justice Initiative that will provide an expedited process to grant pardons to people with a single misdemeanor conviction for adult possession prosecuted under state law. The initiative applies to convictions between January 1998 and December 5, 2012, when I-502 legalized cannabis possession. There are an estimated 3,500 individuals eligible under this initiative.

People convicted under city laws still need to file petitions with the state’s Pardons Board, except in Seattle, which is also clearing misdemeanor cannabis convictions. A clear criminal record can remove barriers to housing, employment, and education.

Those interested in requesting a pardon must complete and submit an online petition (www.governor.wa.gov/marijuanajustice) form on the Office of the Governor’s website.

continued
Bill restricting cannabis business siting gets a hearing
Contact: Sharon Swanson, Shannon McClelland

Rep. Brad Klippert (R-Kennewick) has prefiled a bill that proposes further restrictions on siting locations for cannabis businesses. HB 1003 adds additional locations that are frequented by children and where the state's Liquor and Cannabis Board (LCB) would be prohibited from granting a license for a cannabis business to site. HB 1003 is scheduled for a hearing in the House Commerce & Gaming Committee on Tuesday, January 15 at 3:30 pm.

Currently, the LCB cannot issue a license for a cannabis business locating within 1,000 feet of the perimeter of any:
• Elementary or secondary school
• Playground
• Recreation center or facility
• Child care center
• Public park
• Public transit center
• Library
• Any game arcade (where admission is not restricted to persons age 21 or older)

HB 1003 would add preschool, early learning centers, and school bus stops to the list above. It would also clarify that all playgrounds are included, regardless of the nature of the property owner, (i.e. government or privately owned) and all child care centers regardless of whether the center is licensed.

HB 1003 also adds school bus stops and the expanded definition of child care centers to locations that are prohibited from cannabis business advertising.

Current law allows local governments to reduce the 1,000 feet buffer to 100 feet around all entities except elementary and secondary schools and public playgrounds by enacting an ordinance authorizing the distance reduction. Local governments may also require individual notice by a cannabis business applicant to any of the locations listed above if sited within 1,000 feet of the proposed licensee location. HB 1003 would add preschool, early learning centers, and school bus stops to the reduced buffer prohibition and to the notice authority.

The proposed bill includes a provision that the LCB may not renew a license for any property that is located within 1,000 feet of the perimeter of any preschool, elementary school, secondary school, school bus stop, playground, or child care center. If passed, this bill would take effect immediately and apply to current license holders. How this would affect existing locations that are within 1,000 feet of preschools, school bus stops, and the expanded definition of child care centers is unclear. On its face, it appears those business licenses would not be renewed by the LCB.

AWC will testify in opposition of this proposal as overly broad. As currently drafted, it acts as a de facto moratorium for cannabis businesses to site in cities that have approved such businesses, removing local control to make siting decisions. Please contact Sharon with any concerns.
General government

Study bill to create a disaster planning work group
Contact: Logan Bahr, Shannon McClelland

Prefiled companion bills, **HB 1040** and **SB 5106**, aim to create a work group to study and make recommendations on natural disaster mitigation and resiliency activities. AWC supports the bills and the work group includes a member of AWC to represent city interests.

The bills direct the work group to study the following areas:
- Existing disaster mitigation and resiliency activities by public and private entities in Washington, other states, and at the federal level – including coordination and funding; and
- Review disaster-related insurance policies, such as flood and earthquake insurance.

The work group would be tasked with submitting a preliminary report by November 1, 2019, with a final report with recommendations due by December 1, 2020.

**HB 1040**, sponsored by Rep. Kristine Reeves (D-Federal Way), is scheduled for a hearing in the House Housing Community Development & Veterans Committee on Wednesday, January 16. A work session begins at 8 am prior to the public hearing.

**SB 5106**, sponsored by Sen. Mona Das (D-Auburn), is scheduled for a hearing in the Senate Financial Institutions, Economic Development & Trade Committee at 8 am on Tuesday, January 15.

HR & labor relations

Premiums have begun – Cities have unanswered PFML implementation questions
Contact: Logan Bahr, Brandon Anderson

Nearly all employers in Washington have begun collecting premiums and tracking data on employees in accordance with the new Paid Family and Medical Leave (PFML) law. Yet there are many unanswered questions that remain as the Employment Security Department (ESD) continues their work on PFML rulemaking. ESD has developed a useful PFML website (https://paidleave.wa.gov/employer-webinar) to assist employers and workers with the new law. Additionally, PFML questions, comments, and concerns can be directed to ESD by email (mailto:paidleave@esd.wa.gov), phone (833-717-2273), and their PFML question forum (www.opentownhall.com/portals/289/Issue_5953).

ESD continues to provide opportunities for stakeholders to comment and help shape the program rules. If you are interested in providing comment to ESD on proposed rules for the PFML program, please visit the PFML Rulemaking webpage (https://paidleave.wa.gov/rulemaking).

AWC has also created PFML resource page (wacities.org/data-resources/washington-paid-family-medical-leave-law) to help cities quickly find basic PFML information.

PFML implementation timeline
- April 30, 2019 – First premium payments and employee data report due to ESD
- July 30, 2019 – Second premium payments and employee data report due to ESD
- October 31, 2019 – Third premium payments and employee data report due to ESD
- January 1, 2020 – Paid Family & Medical Leave benefits available to eligible employees
- December 31, 2020 – Adjustment of premium rates and withholding cap

continued
Open government

JLARC releases public records data brief
Contact: Candice Bock, Brandon Anderson

Just how much does Public Records Act compliance cost cities and towns? This new JLARC brief brings the state one step closer to finding out.

The Joint Legislative Audit & Review Committee (JLARC) recently published a briefing on new public records data reporting required by Washington's public agencies. In 2017, the Legislature passed ESHB 1594, which directed certain state and local government agencies to report annually on metrics related to public records retention, management, and disclosure.

JLARC's brief includes context about the data collection process, highlights of the statewide data, and suggestions to improve future reporting accuracy. 21 percent of Washington's cities and towns reported public records data and 73 percent indicated that their city did not meet the reporting threshold. Only 6 percent of cities and towns did not report any information to JLARC.

Are you interested in seeing how your city compared? The Public Records Briefing Report, including interactive data dashboards, can be found on the JLARC webpage (http://leg.wa.gov/jlarc/reports/2019/pubRecordsDataCollection/default.html).

The 2018 public records reporting cycle ran from January 1, 2018 – December 31, 2018. Cities that spent $100,000 or more fulfilling public records request in 2018 will be required to submit their 2018 data to JLARC by July 1, 2019 through the JLARC Public Records Reporting System (https://app.leg.wa.gov/PublicRecordsReporting/Account/Login).

Pensions

DRS releases annual financial report on state pension systems
Contact: Logan Bahr, Brandon Anderson

The Department of Retirement Systems (DRS) has released their annual financial report for 2018 covering the performance and status of the state's public pension systems.

**DRS announces 2019 retirement planning seminars for public employees**  
Contact: Logan Bahr, Brandon Anderson

The Department of Retirement Systems (DRS) has released their 2019 retirement planning seminars for members of the LEOFF, PERS, and PSERS systems.

The seminar topics are targeted toward employees and include preparing for retirement, applying for social security, health insurance, Voluntary Employee Beneficially Association (VEBA) and applying for retirement. DRS also provides plan members a series of retirement planning materials including a retirement planning workbook and online retirement trainings.

More information can be found on the DRS webpage (www.drs.wa.gov/retirement-planning/seminar.htm).

**Public safety & criminal justice**

**Settlement approved in Trueblood case**  
Contact: Sharon Swanson, Shannon McClelland

The settlement agreement reached by the parties in the *Trueblood* case has been approved by Western District Court of Washington Judge Marsha Pechman. On December 11, 2018, Judge Pechman gave her final approval of the settlement agreement proposed to the court by Disability Rights Washington and DSHS this past August.

To read about the background in this case and what changes the settlement will bring, read our previous article (wacities.org/news/2018/08/24/settlement-reached-in-em-trueblood-em-case).

**Hearing scheduled for public defense services funding bill**  
Contact: Sharon Swanson, Shannon McClelland

Washington State Association of Counties (WSAC) introduced a bill that puts the responsibility of public defense funding back on the state. AWC supports the bill.

**HB 1086**, sponsored by Rep. Mike Chapman (D-Port Angeles), requires the state to increase public defense services funding by ten percent every year, with full funding provided by 2029. Counties and cities would be required to apply annually for reimbursement of public defense services funds from the Office of Public Defense. AWC will be testifying in support of the bill in the House Civil Rights & Judiciary Committee at 8 am on Wednesday, January 16.

Recent Washington court cases, such as *Wilbur v. Mount Vernon* (2013), highlight that providing adequate representation under demanding caseloads is a significant financial challenge for local governments. In 1963, the U.S. Supreme Court held in *Gideon v. Wainwright* that the provision of a public defender for indigent people is a state obligation under the Fourteenth Amendment. Yet the state contributed only a small percent last year to fund public defenders in Washington.

While the Supreme Court has not directly considered whether it is unconstitutional for a state to delegate its constitutional responsibility to local government, the state must still guarantee that local governments are not only capable of providing adequate representation, but that they are in fact doing so.

*continued*
Initiative 940 fix bills scheduled for a hearing
Contact: Sharon Swanson, Shannon McClelland

HB 1064, sponsored by Rep. Roger Goodman (D–Kirkland), and its companion bill, SB 5029, sponsored by Sen. David Frockt (D–Seattle, Kenmore, Lake Forest Park), are identical to HB 3003 from the 2018 legislative session. Both are scheduled for hearings during the first week of session.

HB 3003 attempted to amend I-940 during the legislative session – action that was struck down by the courts. The court ordered I-940 to be placed on the fall ballot, and state voters approved the initiative.

I-940 made the following changes to the use-of-deadly-force law and other laws impacting law enforcement:

- **Use of deadly force must be rendered in good faith.** The use of deadly force by a law enforcement officer is justifiable if the officer’s action meets a good faith standard. The standard has two parts and both must be met:
  - **Reasonable officer test** – A reasonable officer, considering all the facts and circumstances known to the officer at the time, would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.
  - **Actual intent** – If the officer intended to use deadly force for a lawful purpose and sincerely and in good faith believed that the use of deadly force was warranted in the circumstance.
- **Duty to render first aid.** All law enforcement personnel now have a paramount duty to preserve the life of persons law enforcement officers encounter and must render first aid.
- **Mandatory violence de-escalation and mental health training.** All law enforcement officers must receive violence de-escalation training and mental health training. Newly-hired officers must complete training within the first 15 months of employment.

HB 1064/SB 5029 would modify several provisions of I-940. The use of deadly force by a police officer standard removes the subjective second part test in the initiative and retains the objective reasonable officer test. Additionally, the state must reimburse a law enforcement officer for the reasonable costs of defense when the officer was acting within the scope of authority and is found not guilty or charges are dismissed. The bills also alter the duty to render first aid, clarifying that officers must provide or facilitate first aid to injured persons at the scene controlled by law enforcement at the earliest safe opportunity.

HB 1064 is scheduled for a hearing in the House Public Safety Committee at 1:30 pm on Monday, January 14.

SB 5029 is scheduled for a hearing in the Senate Law & Justice Committee at 10 am on Tuesday, January 15.
Telecommunications

**AWC will file amicus supporting city rights-of-way**
Contact: Candice Bock, Andrew Pittelkau

AWC will file an amicus brief supporting cities’ privilege to govern public rights-of-way. The amicus will support legal challenges to the FCC declaratory ruling on siting of 5G small cell wireless facilities.

Initially, legal challenges were filed in both the U.S. Court of Appeals for the 9th and 10th Circuits. However, recently the 10th Circuit then agreed to transfer the case to the 9th Circuit. Unfortunately, the court did not issue a stay of the FCC order during the legal challenge, so the FCC’s rule is effective.

MRSC’s recent article (mrsc.org/Home/Stay-Informed/MRSC-Insight/January-2019/5G-Preemption.aspx) breaks down the FCC ruling and the impacts on cities. The FCC ruling introduced a variety of new requirements and preemption of local authority including:

- Two new time clocks that cities need to comply with for permitting facilities;
- A reasonable fee structure;
- Clarification of collocation of equipment in public rights-of-way; and
- Aesthetic standards.

AWC is aware of approximately 50 cities that have either adopted an ordinance or were in the process of adopting at the time of the FCC ruling. Cities have shown that they are willing to work with telecommunications companies to provide this service in their communities.

We encourage cities to continue to update codes, franchises, leases, applications, and to engage with the local Public Utility District on the usage of poles and requirements.

Transportation

**I-976 aims to reduce motor vehicle fees & limit Transportations Benefit Districts**
Contact: Logan Bahr or Andrew Pittelkau

Initiative 976 (www.sos.wa.gov/_assets/elections/initiatives/finaltext_1519.pdf) is an Initiative to the Legislature which proposes to cap car tab fees to $30 and limit or eliminate other vehicle fees, including some fees used to fund Transportation Benefit Districts.

On January 3, more than 350,000 signatures were submitted to the Secretary of State. The initiative needs approximately 260,000 signatures to be certified and sent to the Legislature.

AWC will continue to monitor the initiative and provide ongoing analysis on the significant impact to many vital local transportation projects.
Local governments are eligible for Automated Driving System demonstration grants
Contact: Logan Bahr, Andrew Pittelkau

The U.S. Department of Transportation (USDOT) Federal Highway Administration issued a Notice of Funding Opportunity (NOFO) for Automated Driving System demonstration (ADS) grants. The NOFO will provide up to $60 million in federal funding to support demonstration projects that test the safe integration of automated driving systems into the nation’s on-road transportation systems. The goals of the demonstration program include: safety, data for safety analysis and rulemaking, and collaboration.

The US Department of Transportation website (www.transportation.gov/av/grants) provides more information about the grants, including frequently asked questions. Applications are due March 21.

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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