Hot topics
Action Alert! Contact your legislators now to pass Multifamily Tax Exemption
Your legislators are working today and need to hear from you! Contact them today and ask them to pass a strong Multifamily Tax Exemption (MFTE) proposal so your city will have the tools to address the housing needs of your community. The MFTE is one of the few tools cities have that directly reduce the cost of development—with minimal cost to both state and local government.

Trial court upholds constitutionality of I-976 on all but two legal challenges
The King County Superior Court ruled on the constitutionality of Initiative 976 and upheld the initiative. The Superior Court’s order retains the preliminary injunction imposed last fall while two factual issues are decided. In the meantime, vehicle license fees will continue to be imposed under current law and distributed to the appropriate entities.

A bill advances to amend HB 1406 on shared revenue for affordable housing
HB 1406 was passed in 2019 but has faced challenges to implement due to some confusing language and unintended consequences. AWC and partners have been working to address some “fixes” that would better achieve the goal of the legislation—shared revenue for affordable housing.

Media time
See why a comprehensive culvert approach makes sense
The state is under a federal injunction to fix state-owned fish-blocking culverts. But fixing only state culverts will make the state’s investment incomplete at best and ineffective at worst. Why? Because there are many other culverts downstream and upstream. By only fixing a state culvert that is sandwiched between other barriers, the state’s investment does not achieve the goal of fish recovery. Check out AWC’s new data story to see why a comprehensive approach to culvert corrections is essential to achieving salmon recovery.

How cutoff dates work in the life of a bill
The legislative process includes important deadlines known as cutoff dates. These deadlines dictate whether a bill can continue moving through the legislative process to become a law. Watch this video where Logan Bahr explains more about cutoff dates, with an important distinction for some bills.

View from the Hill
Kicking off the second half of the legislative session
The second half of session is here, but the real second act begins with the conclusion of “house of origin” floor action on February 19. A new round of committee hearings will begin on February 20 as bills are heard in the opposite house. This second half will move a lot faster than the first – learn about the remaining cutoff deadlines this session. Check out this week’s Hot Sheet and learn more about the layout of the sheet and what our color-coded system means.

Things you can do
Reminder of approaching deadline for a housing planning grant
The Department of Commerce is offering grant funding to cities to encourage production of more housing variety. The grants support actions such as development of housing action plans, municipal code changes, subarea planning, and environmental reviews. The application deadline has been extended to February 28.

What you need to know
Budget & finance: Bill proposes to revise the 1% property tax cap.
Key takeaways from Economic and Revenue Forecast presentation at Mayors Exchange.
Bill authorizing King County payroll taxes for housing and homelessness in negotiations.
Homelessness & human services: Bill returns to regulate how cities allow religious homeless encampments hosted by religious organizations. SEPA exemption bill for homeless sheltering.
HR & labor relations: New rules proposed for Paid Family Medical Leave program.
Several human resources-related bills advance.
Land use & planning: Annexation alternative bill passes House.

continued
**Open government:** DRS and some cities receive large records requests for employee information.

**Public safety & criminal justice:** Wide range of bills impacting public safety and criminal justice advance.

**Public works:** Public Works Board announces new workshop and grant opportunities.

**Transportation:** AWC priority bill on local transportation revenue options heard this week.

Bike signal bill passes House.

Electrification of Transportation Systems grants now open for application.

Cities encouraged to complete survey on vehicle fleets.

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**View from the hill**

**Kicking off the second half of the legislative session**

The second half of session is here, but the real second act begins with the conclusion of “house of origin” floor action on February 19. Bills that survive that cutoff will start the process over in the opposite house (i.e., House bills move to the Senate and vice versa). That means a new round of committee hearings will begin on February 20 as bills are heard in the opposite house. So, just because your favorite bill was voted out of its house of origin, that doesn’t mean your work is done – it now must repeat the process before it can go to the Governor’s desk.

This second act moves even faster than the first, with shorter cutoff deadline (http://leg.wa.gov/legislature/pages/cutoff.aspx) timetables:
- Policy committee in the opposite house – **February 28**
- Fiscal committee in the opposite house – **March 2**
- Last day to pass bills out of the opposite house – **March 6**

And, of course, all of this will be happening while the two houses start to release and consider their supplemental budget proposals.

**What is AWC’s Hot Sheet and what should I do with it?**

AWC produces a weekly Hot Sheet (https://wacities.org/docs/default-source/Legislative/hotsheet.pdf?sfvrsn=52) that includes a list of bills we think are hot topics for cities. While it’s not an exhaustive list of all the bills we are tracking (or even weighing in on), it includes some of the more critical and popular topics for cities. We update the list every week and sometimes bills drop off (because they are likely dead or have been amended so that we are neutral) or we move them to a different category. If bills that we opposed were amended to improve for cities, then we move them to “monitor” or even “support.”

The color-coded categories are:
- **Priority bills – Support:** Important bills that support AWC’s priorities that we really like
- **Other bills – Support:** Bills that are good for cities (but not necessarily priorities) that we really like
- **Other bills – Monitor:** Bills that we aren’t sure about, could be okay, or could be bad, depending on how they are amended
- **Other bills – Oppose:** These are the bad bills that we must stop

AWC produces the Hot Sheet as a quick reference guide that you can use when talking with your legislators. Please share it with them, along with your own messages about how the bills impact your community.

**Supplemental budget proposals coming soon**

We anticipate that we will see the first legislative supplemental budget proposal released shortly after the revenue forecast comes out on Wednesday, February 19. Depending on the timing, we will provide an overview of the budget in the next Legislative Bulletin. Or, if that timing doesn’t work out, then we will send out a separate Budget Alert. Watch for news in your email inbox.

**When session ends**

If all goes according to plan, the legislative session is set to end on March 12. Join your AWC Advocacy Team on March 19 for an informative recap webinar (https://wacities.org/events-education/Upcoming-AWC-events/events-details?ID=2055) of city-related issues from the 2020 legislative session. You’ll get a firsthand look at the outcomes of our seven legislative priorities along with other key outcomes of the 2020 session.
Affordable housing

A bill to amend HB 1406 is advancing
Contact: Carl Schroeder, Shannon McClelland

As many cities are aware, implementing HB 1406, passed in 2019, has been challenging due to some confusing language and unintended consequences.

AWC, the Washington of Association of Counties, the state, housing advocates, and legislators have been working since the bill’s passage to address some “fixes” that would better achieve the goal of the legislation—shared revenue for affordable housing—without increasing the financial commitment of the state. Companion bills were introduced, HB 2797 and SB 6631, at the start of session, but the conversation on amendments continued.

HB 2797 is still alive in its original form. The bill would address:
• The timing issue if a city adopts the ordinance before a county;
• Extending the timeline to adopt a resolution of intent and ordinance to impose the tax credit;
• Cities without a qualifying local tax in a nonparticipating county; and
• Clarifying language on how the funds may be spent.

We continue to work with our partners and legislators to support the Senate's changes. To continue to advance, HB 2797 must get voted out of the House by February 19.

Budget & finance

Bill proposes to revise the 1% property tax cap
Contact: Candice Bock, Maggie Carol

The bill to lift the property tax cap and tie the rate to inflation and population growth needs a hearing.

During the 2019 regular session, Rep. Gerry Pollet (D–Seattle) introduced HB 2145, which would lift the 1% property tax cap for local governments.

On January 13, HB 2145 was reintroduced and retained in current status. The bill has been referred to the House Finance Committee and will likely be scheduled for a hearing during the week of February 17.

We know that it is difficult to generate interest in the Legislature for tackling this topic for cities and other local governments. The Legislature did raise its own property tax cap on a temporary basis to help with school funding requirements in response to the McCleary decision.

We appreciate Rep. Pollet for introducing HB 2145, and we encourage the House Finance Committee to take up the bill and advance this discussion.

For this legislation to succeed, it is critical that you contact your legislators to let them know you support cities having the ability to raise the property tax cap and to ask them to support legislation to do so.

This spreadsheet (https://wacities.org/docs/default-source/Legislative/0220propertytaxgrowth.pdf?sfvrsn=0) outlines the potential growth in property tax revenue if the cap is extended to 3%. Washington cities would see an additional $29.9 million in property tax revenue if the cap were extended to 3%. These calculations do not include banked capacity, levy lid lifts, or new construction.

continued
Bill authorizing King County payroll taxes for housing and homelessness in negotiations

Contact: Candice Bock, Maggie Carol

A House proposal currently under negotiation authorizes counties with a population of at least 2 million to impose an annual payroll expense tax on employers engaging in business within the county, to be used for addressing affordable housing and homelessness.

Under the initial draft of HB 2907, sponsored by Rep. Nicole Macri (D–Seattle), the payroll tax must be at least 0.1%, but no more than 0.2%. Although the tax rate must be the same for all businesses, the county can impose a graduated rate that increases based on employee compensation. The tax applies to salaries of $150,000 or more. Businesses with fewer than 50 employees are generally exempt from this tax, as are federal, state, and local governments. The employer is responsible for paying the tax and may not make any deductions from employee’s compensation to pay for the tax.

The proposed bill was developed with input from some of the largest businesses (Amazon, Expedia, Starbucks, and Microsoft, among others) as a way they could agree to pay higher taxes to address the housing and homelessness crisis.

For many cities in King County, the bill came as a surprise and has raised concerns about the impact on their local businesses, preemption of their taxing authority, and how they will have a voice and input about how the money is spent.

While the bill passed out of the House Finance Committee in time to survive the fiscal committee cutoff, legislators indicated that the bill was a work in progress, with many details to be worked out by stakeholders. Those stakeholders have been working to hash out a compromise on most of the significant aspects of the bill, including how the money will be distributed and whether or not cities business taxing authority will be preempted. Cities, including AWC, are one of the stakeholder groups at the table, along with business, labor, and King County.

The bill is definitely still a work in progress as negotiators continue to explore whether a compromise can be reached.

HB 2907 needs to pass out of the House by the February 19 cutoff to continue to advance this session.
Key takeaways from economic and revenue forecast presentation at Mayors Exchange
Contact: Candice Bock, Maggie Carol

Mayors from across Washington heard from Dr. Steve Lerch of the Economic and Revenue Forecast Council (https://erfc.wa.gov/) earlier this week as part of AWC’s biannual Mayors Exchange.

The Washington state economy is generally in good condition and continues to outperform the nation. Key points from Dr. Lerch’s presentation:

• Our state’s job growth remains strong, and the unemployment rate remains near an all-time low.
• International trade policy remains uncertain, especially with the geopolitical risks of Iran, North Korea, China, Russia, and Brexit.
• Boeing’s 737 MAX has raised levels of uncertainty. The company suspended production of the jet in January but is expected to resume production in March and be cleared to fly this summer. Boeing has indicated that affected employees will be reassigned and there will be no layoffs due to the shutdown.
• A recent economist survey shows a slight decline in the probability of a near-term recession, but a heightened risk of a downturn in new construction in the state.

Overall, the takeaway is that economic growth is expected to continue for the next year, but possibly at a slower rate.

The Economic and Revenue Forecast Council will release its official February Economic and Revenue Forecast on February 19 at 9 am. TVW will broadcast (https://www.tvw.org/watch/?eventID=2020021238) the meeting.

Environment & natural resources
Plastic bag ban is back
Contact: Carl Schroeder, Shannon McClelland

AWC supported the plastic bag ban bill when it was introduced last session. The bill has returned and has repassed the Senate.

SB 5323, sponsored by Sen. Mona Das (D–Tacoma), almost made it to the finish line last year. When it was reintroduced this year, it had to start back on the Senate floor. It has now passed the Senate this session and is scheduled for a hearing in the House.

The bill was amended in the Senate last session and remains unchanged. Here is a summary, noting the dates have not yet been amended:

• Prohibits a retailer from providing a customer a single-use plastic bag; nor a paper bag or reusable plastic bag that does not meet recycled content requirements.
• Requires a retailer to collect a pass-through charge of $0.08 for each recycled content large paper or plastic carryout bag provided.
• Preempts local carryout bag ordinances starting in 2020, except for ordinances establishing a $0.10 pass-through charge in effect as of January 1, 2019.
• Specifies recycled content requirements for paper and plastic bags.

We have not heard from any cities that are concerned about the consolidation of plastic bag policy at the state level. Please let us know if that is the case for your city.

Dates to remember
SB 5323 is scheduled for a public hearing in the House Environment & Energy Committee at 8 am on Thursday, February 20.

continued
See why a comprehensive culvert approach makes sense
Contact: Carl Schroeder, Shannon McClelland

Although the state is under a federal injunction to fix state-owned fish-blocking culverts, fixing only those culverts will make the state’s investment incomplete at best and ineffective at worst. Why? Because, on average, there are two downstream and five upstream culverts associated with each state barrier. By only fixing a state culvert that is sandwiched between other barriers, the state’s investment does not achieve the goal of fish recovery.

Check out AWC’s new data story to see why (https://arcg.is/vWOeW) a comprehensive approach to culvert corrections is essential to achieving salmon recovery. Then contact your legislators (https://wacities.org/advocacy/legislator-directory) to voice your support.

Ecology’s drought response bill returns
Contact: Carl Schroeder, Shannon McClelland

The Department of Ecology’s (Ecology) request bill to streamline the agency’s response to drought has returned and is advancing through the Legislature. The bill, HB 1622, is focused on a proactive approach to drought preparedness and response. The bill is sponsored by Rep. Brian Blake (D–Aberdeen).

The intent of the bill is to improve the state’s ability to respond to drought emergencies while also setting up a framework to build long-term preparedness and resiliency among water users.

HB 1622 makes the following changes:
• Authorizes Ecology to issue a drought advisory warning ahead of an emergency, intended to improve readiness and communication;
• Allows drought preparation funding to communities, rather than tying the funding to an emergency event;
• Helps to ensure that funding is available for all types of projects, including small towns that are susceptible to water supply shortages;
• When issuing an emergency order, requires Ecology to consider input from local water users when determining whether a drought condition has created an undue hardship for water users or the environment;
• Allows a person to petition Ecology to declare a drought emergency; and
• Directs Ecology to initiate a pilot program to explore the cost, feasibility, and benefits of entering into long-term water right lease agreements to alleviate water supply conditions which may occur as a result of drought conditions.

AWC supports this bill. With long-range forecasts predicting more frequent droughts, it’s critical that we take a proactive approach in planning ahead for potential water shortages. This bill is an important step toward that goal.

Dates to remember
HB 1622 is scheduled for public hearing in the Senate Agriculture, Water, Natural Resources & Parks Committee at 1:30 pm on Thursday, February 20.
Homelessness & human services

Bill returns to regulate how cities allow homeless encampments hosted by religious organizations
Contact: Carl Schroeder, Shannon McClelland

A concerning proposal from 2015 that we worked on last session has, unfortunately, returned. As we did then, we have concerns that this proposal, HB 1754, would undermine locally negotiated agreements between cities and their faith communities.

State and federal law already significantly restrict a local jurisdiction from impeding a religious organization in fulfilling its mission to help the homeless. We are working with the sponsor to understand what problem this bill would address. We are looking for ways to ensure that cities have the ability to regulate the location, frequency, and cumulative community impact of these hostings, and we are concerned about the language that prescriptively limits that.

A proposed floor amendment by sponsor Rep. Sharon Tomiko Santos (D–Seattle) strikes all previous language. We are specifically concerned that this amendment:
• Allows hostings for at least six months per calendar year
• Allows subsequent hosting within three months at a particular site
• Allows hosting term for at least 4 consecutive months
• Restricts safe parking limitations, unless in a memorandum of understanding and within prescriptive statutory parameters
• Restricts limiting indoor sheltering in spaces without fire sprinklers if two accessible exits are available, unless a fire official finds the shelter poses imminent danger
• Restricts tiny house hosting limitations unless within prescriptive statutory parameters

Although AWC was engaged with the proponents during the 2018 interim, we were not approached in the 2019 interim and were not expecting this bill to return. We will continue to work with the sponsors on the necessity of this policy.

SEPA exemption bill for homeless sheltering
Contact: Carl Schroeder, Shannon McClelland

A bill from last session has been reintroduced and passed the Senate.

The substitute version of SB 5946 was poised to pass the Legislature last session. The bill, sponsored by Sen. Joe Nguyen (D–Burien), would provide an exemption from State Environmental Policy Act (SEPA) review for permit actions to site temporary shelters or transitional encampments.

As a threshold requirement, a local jurisdiction must have declared a state of emergency on homelessness. The bill then outlines requirements that facilities must meet to qualify for the SEPA exemption. Facilities must:
• Be used by people experiencing homelessness;
• Have less than two hundred beds;
• Not allow the use of drugs or alcohol;
• Not require permanent structures;
• Not be sited within 1,000 feet of a public or private school or early learning facility unless approved; and
• Not be used for more than three years.

Dates to remember
SB 5946 is scheduled for a public hearing in the House Environment & Energy Committee at 8 am on Thursday, February 20.
HR & labor relations

Webinar: Washington State Public Employer Overtime Guide updates
Contact: Candice Bock, Jacob Ewing

Overtime requirements are changing—find out what public employers need to know.

On Friday, March 20, Beth Kennar, Attorney at the Summit Law Group, will present a webinar to help attendees:

• Understand the major provisions of overtime laws and the implications for public employers in Washington;
• Identify options for complying with the revised regulations; and
• Learn best practices for performing audits and communicating changes to exempt status employees.

Registration (https://wacities.org/events-education/Upcoming-AWC-events/events-details?ID=2053) is limited to those who solely represent the interests of management.

New rules proposed for Paid Family Medical Leave program
Contact: Candice Bock, Jacob Ewing

The Employment Security Department (ESD) released proposed rule changes to the Paid Family Medical Leave (PFML) program that would result in increased continuation of benefits costs for employers.

Many of the proposed rule changes (https://oth.opengov.com/uploads/289/1q/PFML draft rules 013020.pdf) help clarify the definitions and administration of PFML; however, a proposed new section (WAC 192-700-020) has serious implications for employers. The proposed change would require employers to continue providing health benefits to an employee who is using PFML if the employee had at least one day of concurrent leave on FMLA.

For example, if an employee was out on FMLA until May 30 and then began another leave of absence under PFML on May 30, then an employer would be required to continue providing health benefits to that employee throughout their PFML even if their FMLA eligibility is exhausted.

This proposed rule doesn’t appear consistent with the statute that only requires continuation of benefits during FMLA-related leave.

The new section does clarify that an employee would still be responsible for paying their share of health benefit costs.

AWC opposes these proposed changes, as they create a large financial burden on employers. We encourage you to review (https://oth.opengov.com/uploads/289/1q/PFML draft rules 013020.pdf) the proposed rules as well as contact ESD at rules@esd.wa.gov to advocate for changing the proposed rule.
Several human resources related bills advance
Contact: Candice Bock, Jacob Ewing

Bills addressing nursing mothers, pregnancy discrimination, employer-sponsored prescription plans, and Paid Family Medical Leave (PMFL) exemptions advanced out of their respective chambers.

**HB 2266** prohibits an employer with 15 or more employees from requiring a doctor’s note regarding the need for reasonable accommodations for a nursing mother. The House passed **HB 2266** unanimously. The bill now moves to the Senate for consideration.

**HB 2614** brings several changes to the PMFL program. These changes include exempting individuals who perform casual labor from program coverage, as well as allowing for employees under specific circumstances to bring private action against an employer for unlawful acts. The House passed **HB 2614** and the bill now moves to the Senate for consideration.

**SB 6034** provides employees with an additional six months to file complaints with the Human Rights Commission alleging pregnancy discrimination. This increases the current timeline from six months to one year from the time the alleged unfair or discriminatory act took place. The Senate passed **SB 6034** and the bill now moves to the House for consideration.

**SB 6051** exempts prescription drug plans sponsored by employers or unions that exclusively supplement Medicare Part D coverage from applicable regulations affecting health insurance plans. This bill is a needed statutory change to allow this type of coverage to continue in Washington. The Senate passed **SB 6051** unanimously. The bill now moves to the House for consideration.

Land use & planning

Annexation alternative bill passes House
Contact: Carl Schroeder, Shannon McClelland

A proposal allowing a code city to annex unincorporated land in accordance with an interlocal agreement was voted out of the House.

**HB 1598**, sponsored by Rep. Beth Doglio (D–Olympia), intends to make city annexations within urban growth areas more efficient and effective by providing an alternative method via interlocal agreement.

The version that passed out of the House does the following:
- Applies to all code cities.
- The city initiating an annexation (and after adopting an interlocal agreement between the city and county) must provide written notice of the proposed annexation to the adjacent city, fire district, transportation benefit district, or water-sewer district under two circumstances:
  - The adjacent entity has 30 days to state its interest to become party to the interlocal agreement.
  - Prohibits the annexation from proceeding if the adjacent entity becomes a party to the agreement and does not approve it.
- For five years after the annexation, any parcel zoned for residential development within the annexed area must maintain residential zoning and density designations.
- A public hearing must be held prior to passage of the annexation ordinance.
- Notice of the public hearing must be published in the newspapers at least once a week for four weeks prior to the date of the hearing. Also requires website notification during the same period, if available.
- Notice must include a statement of any assumption of indebtedness or adoption of a proposed zoning regulation that is provided for in the ordinance.
- Phased annexations require separate ordinances.
- A certified copy of the annexation ordinance must be filed with the board of county commissioners.

**HB 1598** now moves to the Senate for consideration.

continued
Open government

**DRS and some cities receive large records requests for employee information**

Contact: Candice Bock, Sharon Swanson, Sheila Gall

The Department of Retirement Systems (DRS) has received a public records request that seeks information about all members of the state’s retirement systems, including all current employees, retirees, and inactive members, for the period July 1, 2017, to June 30, 2019.

The detailed list of items subject to disclosure can be reviewed here (https://www.drs.wa.gov/announcements/pdr-notice-st-20200207). The requesting organization is The Seattle Times.

DRS intends to provide the information to the requesting organization on March 9, 2020, absent legal intervention from the courts.

An agency can be enjoined from releasing a record if a court finds that the release “would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.”

To be enjoined from releasing records in the current request, DRS would need to be served with an injunction prior to the scheduled release date listed above.

DRS received a similar request last fall from another organization and requested assistance from cities and other public employers in providing notice to impacted employees about the request. That request (https://www.drs.wa.gov/announcements/prr-notice-20201204) is currently subject to an injunction to allow for identification of individuals whose information would be protected from disclosure.

We are also aware that many cities have received similar records requests directly and that some of these cities are already subject to the same injunction (https://www.drs.wa.gov/administration/records-requests/Temp_Injs_FF_20200117-20191227.pdf) as DRS. Some public employees and their labor unions are asking that, when any public employer receives a request for employee information, the employer provide third-party notice to the impacted employees and their labor union representatives so that they have a chance to review the request and potentially file an injunction against the release of sensitive information (such as employees who have domestic violence victim protections in place).

If you want additional information or have questions about the DRS records requests, please contact DRS at 844-704-6780 or drs.pdrnotice@drs.wa.gov.

Related to these requests is **HB 1888**, passed by the House and now awaiting a hearing by the Senate. The bill exempts month and year of birth and photographs of public employees and volunteers from release—unless the requestor is the news media.

**HB 1888** also requires public employers to notify employees and labor representatives when a public records request has been made for employee personal information. The notice must include the date of the request, the nature of the records that have been requested, the date on which the agency plans to release the record, and a statement that the record will be released, unless a court order is issued before the intended release date enjoining the release of the record. The notice must be provided at least ten days prior to when the records would be released.

continued
Public safety & criminal justice

Wide range of bills impacting public safety and criminal justice advance

Contact: Sharon Swanson, Jacob Ewing

Bills impacting many areas of public safety and criminal justice advanced out of their respective chambers.

HB 2231 modifies the crime of bail jumping by limiting it to apply only to individuals charged with or convicted of violent or sex offenses. For other criminal charges, individuals who fail to appear may be charged with “failure to appear or surrender.” This provides leeway to defendants who may inadvertently miss a court hearing. The House passed HB 2231 and the bill now moves to the Senate for consideration.

HB 2318 updates the process for managing sexual assault kits (SAKs) in Washington. The bill requires police departments to store unreported SAKs for 20 years from the time a kit is collected. The House passed HB 2318 with a strong majority. The bill now moves to the Senate for consideration. AWC supports the policy in the underlying bill but has concerns related to the cost of storing SAKs. We will continue to work with the prime sponsor to address our concerns.

HB 2473 includes intimate partners in the list of individuals against whom a party may receive emergency protection orders during suspected domestic violence. Additionally, the bill modifies Assault in the fourth degree involving domestic violence by expanding the types of prior offenses that can elevate a present offense to a felony. The House passed HB 2473 unanimously. The bill now moves to the Senate for consideration.

HB 2632 sets new standards and criminal penalties for falsely reporting an emergency. Criminal charges could range from a gross misdemeanor to a class B felony. In certain cases, injured parties can file a civil suit against the guilty party. The House passed HB 2632 unanimously. The bill now moves to the Senate for consideration.

SB 6215 requires the Office of Public Defense, the Department of Social and Health Services, and the Health Care Authority to improve upon the existing process for verifying to courts that an individual receives public assistance, in order to assist the court with a determination of indigency. The Senate passed SB 6215 unanimously. The bill now moves to the House for consideration.

SB 6537 increases the membership of the Criminal Justice Training Commission (CJTC) to 15 members from 14 members. The additional member must be a private citizen—this raises the total number of private citizens on the CJTC to two. One private citizen must be from western Washington and the other from eastern Washington. One of the private citizens must be from a historically underrepresented community. The Senate passed SB 6537 unanimously. The bill now moves to the House for consideration.

continued
Public works
Public Works Board announces new workshop and grant opportunities
Contact: Logan Bahr, Maggie Carol

The Public Works Board (PWB) recently announced new regional training events for effective infrastructure system management, and feasibility and outreach grants for broadband infrastructure.

Regional training
PWB’s free regional training events (https://www.commerce.wa.gov/building-infrastructure/pwb-technical-assistance/) will take place each month from March until June 2020. The trainings will be held in four different locations around the state and offer a mix of concept presentation and group practice for effective infrastructure system management. Additionally, two of the training events will be two days, with the second day focusing on community partnerships, economic development, and community revitalization. Continuing Education Units (CEUs) will be available for water and wastewater operators.

Broadband grants
Additionally, PWB’s Broadband Program announced an additional $50,000 available in feasibility and outreach grants(https://www.commerce.wa.gov/building-infrastructure/pwb-broadband/). These grants support public outreach and engagement activities that establish community-based efforts to bring broadband infrastructure to unserved areas. Community-based efforts, such as Broadband Action Teams(https://s3.wp.wsu.edu/uploads/sites/2063/2019/08/Statewide-BAT-Work-8.6.19.pdf), are essential to ensure that community needs are met in planning for broadband expansion. The maximum award per applicant is $10,000, with a 10% match requirement. Funding awards are based on a competitive ranking process.

Transportation
Bike signal bill passes House
Contact: Logan Bahr, Maggie Carol

A bill that clarifies the use of bicycle traffic control signals passed the House last week.

HB 2684, sponsored by Rep. Sharon Shewmake (D–Bellingham) clarifies that local governments may use traffic control signals that are specifically intended for bicyclists. The signals will have the same meaning to bicyclists as traffic lights on main roads.

HB 2684 was passed by the House and now moves to the Senate for consideration.

AWC supports this bill.
**Trial court upholds constitutionality of I-976 on all but two legal challenges**

Contact: Logan Bahr, Shannon McClelland

On February 12, the King County Superior Court ruled on the constitutionality of Initiative 976 (I-976) and upheld the initiative on the majority of legal challenges. Two legal arguments require a factual determination to be decided: impairment of the City of Burien's bonds that pledge transportation benefit district (TBD) revenues, and a challenge related to referencing a private company, Kelley Blue Book, in the initiative.

The judge rejected plaintiff coalition's arguments that the initiative violated the state constitution's provisions related to single subject and subject in title (article II, section 19) and amendment without reference (article II, section 37). The decision follows a full day of oral arguments on February 7.

AWC is part of a broad coalition of plaintiffs in the case filed in November. We were disappointed by the ruling, but we have always expected that the state Supreme Court will ultimately decide I-976's constitutionality.

The Superior Court's order retains the preliminary injunction imposed last fall while the factual issues are pending resolution. The injunction means that vehicle license fees will continue to be imposed under current law and distributed to the appropriate entities. As cities continue to receive TBD revenues, each will need to consider the best approach on whether and how to use those funds while the case is pending.

If the Washington State Supreme Court ultimately decides that I-976 is constitutional, state law requires the Department of Licensing to refund any overpaid vehicle license fees during the injunction period—including local vehicle license fees.

Please consult your city's legal counsel for specific advice about how the court's recent decision, injunction, and WSDOT project delays may impact your city.

*continued*
**AWC priority bill on local transportation revenue options to be heard**

Contact: Logan Bahr, Maggie Carol

An AWC priority bill to increase local revenue options to support and fund city and county transportation systems is scheduled for hearing this week.

**HB 2362**, sponsored by Rep. Bill Ramos (D–Issaquah), seeks to mitigate many of the problems identified by the Joint Transportation Committee Assessment of City Transportation Funding Needs (http://leg.wa.gov/JTC/Documents/Studies/Final_CityFundingReport.pdf). The bill provides additional local revenue options to fund city and county transportation systems in the following ways:

- Allows cities to impose a new 2% transportation-specific utility tax;
- Allows cities and counties to impose a local gas tax of up to 10% of the state rate—or 4.9 cents per gallon; and
- Changes current law concerning Transportation Benefit District sales tax authority by allowing imposition via councilmanic action and increases the applicable rate from .02 to .04.

**SB 6652**, the companion bill, was heard in the Senate Transportation Committee on Monday, February 10.

This is one of AWC’s priority bills for this session and we are thankful to Rep. Ramos for championing this legislation.

**Dates to remember**

**HB 2362** is scheduled for public hearing in the House Transportation Committee at 3:30 pm on Thursday, February 20.

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**Cities encouraged to complete survey on vehicle fleets**

Contact: Logan Bahr, Maggie Carol

AWC encourages cities to complete an online survey to help inform a Joint Transportation Committee (JTC) study on the electrification of public vehicle fleets.

In the 2019-21 transportation budget, the Legislature directed the Joint Transportation Committee (JTC) to conduct a study analyzing the electrification of public vehicle fleets. The study will look specifically at the vehicle fleets owned by the State of Washington, cities, counties, and transit agencies.

The JTC has contracted with Atlas Public Policy in partnership with Washington State University Energy Program and the National Renewable Energy Laboratory to conduct the study. The study report is due to the transportation committees of the Legislature by September 30, 2020.

Your city can help inform this study by completing a survey on your vehicle fleet. Responses to the survey will tell the story of the challenges and barriers that cities face in converting fleets to electric vehicles. That information will help the Legislature identify how the state could provide effective tools and assistance to help you overcome those barriers in the years to come.

Electrification of Transportation Systems grants now open for application
Contact: Logan Bahr, Maggie Carol

The Department of Commerce recently announced the Electrification of Transportation Systems (ETS) grant is now open for application.

The ETS program provides grants to Washington local governments and retail electric utilities for electric vehicle charging infrastructure. An emphasis for this program is placed on addressing the needs of highly impacted communities and vulnerable populations, particularly those disproportionately impacted by climate change and pollution from transportation systems.

Commerce is now accepting applications (https://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/electrification-of-transportation/) for this competitive grant, with $10.7 million available. Eligible applicants may partner with other organizations.

Eligible applicants are local governments and electric utilities, and projects have to serve at least one of the following:
• Public transportation
• Local government fleet vehicles
• Workplace charging
• Multi-unit dwelling (MUD) resident charging (Note: Electric vehicle supply equipment that exclusively or primarily serves residential buildings that are not multi-unit dwellings will not be considered)
• Public charging
• Port – marine or aircraft

A pre-application conference for interested stakeholders will be held on February 20 at 12:30 pm at the Department of Commerce's Olympia offices. Stakeholders can also attend by Skype (https://lync.wa.gov/commerce.wa.gov/meet/forrest.watkins/2VS7GNZZ) or by phone at (360) 407-3813, Conference ID: 8359817. The conference is not mandatory.

For more information about ETS grant funding, contact Forrest Watkins at Forrest.Watkins@commerce.wa.gov or (360) 522-3390.
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.

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