



Legislative Bulletin

February 19, 2018

Hot topics

2018 Supplemental budgets and revenue forecast released

The Economic and Revenue Forecast Council is forecasting state general fund revenue increases. Find out what the forecast is, and what it means for the current biennial budget.

Voting Rights Act on its way to enactment – Critical city improvements not included

The House version of the Voting Rights Act bill died on Valentine's Day, but its most concerning aspects for cities were brought back to life in the Senate version. We expect that a Voting Rights Act bill will pass this session, but we have significant concerns that our suggested improvements are not getting addressed.

Homelessness, housing, and human services bill updates

Now that we've passed another major cutoff, find out where a multitude of homelessness, housing, and human services bills stand. This includes the document recording fee bill, the drug take-back bill, and several other priorities for cities.

From the Director

A week that really matters

This week, following the release of a positive economic forecast, Senate and House fiscal committees will roll out their supplemental operating and capital budgets. Find out what it might mean for city priorities, what 60 mayors will do in Olympia this week, and how you can help from home.

Media time

Shared revenue data tool

Maintaining state shared revenues to cities is one of AWC's legislative priorities. AWC is not expecting changes to shared revenue in the proposed supplemental budget. But the Legislature could always decide to reduce shared revenue for FY 2019. Use this tool to see what the impacts would be for your city.

City priorities and issues after cutoff

Watch this video where AWC lobbyists Carl Schroeder and Dave Williams discuss several priorities and issues of concern for cities left in the three-week sprint. Learn what issues could increase local costs, hear some good news on housing, homelessness, and mental health, and hear our request that legislators balance new city responsibilities with the resources to address them.

What you need to know

Budget & finance

Business license threshold draft language to be sent out for feedback.

Sales and use tax flexibility bill continues to move.

Environment & land use

Multifamily tax exemption program expanded.

Adopting wildland-urban interface code requirements.

Bill would ban chemicals in firefighting foam and equipment.

Pilot program would allow open burning to stop apple maggot spread.

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Updates regarding JLARC's public record performance metrics now available.

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COLA increase for PERS1 and TRS1 beneficiaries.

Costly first responder occupational disease bills continue to move.

Public safety & criminal justice

AWC-supported body worn cameras bill passes out of Senate.

Carryover bill that affects a convicted defendant's legal financial obligations continues to move this session.

Telecommunications

Two differing approaches to broadband infrastructure and small cell facility deployment.

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Transportation

New funds for small airport infrastructure.

Rideshare bills die.

Population thresholds raised for state route improvements.

Things you can do

Request a public record consultation from the Attorney General's Office

The Attorney General's Office now offers local governments assistance through its Local Government Public Records Consultation Program. The program will provide information and assistance to local government agencies on adopting best practices for public records. Local government agencies interested in receiving a consultation can find more information and submit a request.

From the Legislative Director

A week that really matters

Following the release of a positive economic forecast, Senate and House fiscal committees will roll out their supplemental operating and capital budgets. By late Tuesday, AWC will assess the budgets' impacts on cities and towns and then share our summary with our members, legislators, and others. After brief hearings, legislators will likely move budget bills forward for discussion and debate.

At the same time, policy committees will scramble to hear and consider bills deemed still alive – those that have survived cutoff and passed from one chamber to the opposite one. The deadline to keep these bills moving is Friday, February 23. If policy bills have a state fiscal impact, they have to clear a fiscal committee by Monday, February 26 to remain under consideration, unless somehow deemed to be “necessary to implement the budget,” which means they have a chance to be considered up until adjournment scheduled for Thursday, March 8.

What does this mean for AWC Priorities?

Within this edition of our Legislative Bulletin, we highlight and summarize numerous key bills and issues still moving – several of them we support and others we oppose or have concerns with. On the positive side, several bills remain aimed at providing tools and resources to help communities address housing and human service provision needs, along with some that help cities address economic development, infrastructure, and criminal justice challenges.

We continue to ask legislators to consider improvements to their voting rights legislation aimed at providing broader opportunities for protected classes of voters to participate and gain representation in locally elected bodies like city councils. **SB 6002** continues to move forward, but not in a form that addresses some of our basic concerns. We'll continue to make our case for improvements to a bill we know will eventually pass, and we encourage interested cities to keep communicating with your own legislators.

As we anticipated with the recent change in which party controls the Senate, there are a number of bills moving in the personnel and legal liability areas that may be good policy, but will place added costs on local governments. We continue to explore ideas on how to reduce or limit fiscal exposure from them, while at the same time reminding proponents that absent new resources, paying for these ideas will likely result in diminished funding for other local programs that they also care about.

Almost 60 mayors coming to town – add your voices to theirs!

On Wednesday, mayors from cities large and small throughout the state will gather in Olympia to share their best ideas on how to serve their communities and many will remind legislators how to partner for the same results. Governor Jay Inslee will speak to them as well.

This third to the last week of the 2018 session is a great opportunity to call your legislators on the phone, remind them what you need, and tell them how they can provide you the tools and resources needed to do your jobs.

continued

Budget & finance

Sales and use tax flexibility bill continues to roll through the Legislature

HB 2006 continues to move through the legislative process. The bill passed a major milestone on February 14 being passed out of the house on a vote of 92-6. The Senate Committee on Local Government is scheduled to take up the bill at 1:30 pm on Tuesday, February 20.

Cities would see increased flexibility with the removal of the supplanting clause for the 0.1 percent voter-approved mental health sales and use tax. The striking bills moved the Veterans' and Mental Health Levies outside of the general levy.

AWC supports this bill. There is still work to be done to push this bill across the finish line.

Shared revenue interactive tool

Maintaining state shared revenues to cities is one of AWC's legislative priorities. State revenue is coming in at a considerable pace according to the state Economic and Revenue Forecast Council. But, the Legislature is also grappling with state Supreme Court decisions on education and the mental health mandates.

AWC is not expecting changes to shared revenue in the proposed supplemental budget. But, if the Legislature decides to reduce shared revenue for FY 2019, we have provided a tool on what the impacts would be for your city.

See the interactive tool at datadatadata-awcnet.opendata.arcgis.com/pages/featured-data1 for details.

Business license threshold workgroup

The city workgroup developing the city business license model threshold required to be completed by July 1, 2018 under **EHB 2005** has almost finished drafting the model. A workgroup of cities has been meeting since August 2017 to develop language for a model ordinance and set a minimum threshold that would work for the wide variety of business license requirements in cities. All cities with business licenses will be required to adopt it by January 1, 2019.

To help inform the committee's work, AWC will be sending an email to city finance directors soon asking for feedback on the proposed model ordinance language. We appreciate your city's assistance in providing input for this important project.

As currently proposed, the draft model business license language would:

- Only apply to general business licenses, not regulatory licenses or other local taxes;
- Allow cities to require registration with no fee for businesses under the threshold;
- Not apply to businesses with a location in the city; and
- Apply a minimum threshold of \$1,000 per year in the city.

Once the draft is complete, AWC will plan trainings on the model ordinance through presentations to regional city groups and other annual conferences in 2018.

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2018 Supplemental budgets and revenue

On Thursday, February 15, the Economic and Revenue Forecast Council (erfc.wa.gov/forecasts/revenue-forecast) provided some great news for the budget writers. The council is forecasting the following state general fund revenue increases:

- \$647 million increase for 2017-19 biennium – For total revenues of \$44.213 billion; and
- \$671 million increase for 2019-21 biennium – For total revenues of \$48.253 billion.

The positive revenue forecast provides the Legislature room to make adjustments to the current biennial budget that addresses state priorities. This does not mean that the additional revenue will make the legislative process any easier, but allows them to address the pressing needs of the McCleary decision and the state's mental health mandate.

The Senate is expected to release their supplemental operating budget on Monday, February 19.

The following hearings are scheduled:

- Senate Capital Budget, **SB 6095**, Monday, February 19
- Senate Operating Budget, **SB 6032**, Tuesday, February 20
- House Operating Budget, **HB 2299**, Tuesday, February 20
- House Capital Budget, **HB 2395**, Thursday, February 22

Check back for details on the AWC advocacy webpage. We will provide city impacts when the information becomes available.

Cannabis

Bill limiting city authority to ban marijuana businesses is dead for now

HB 2336 would have rolled back existing marijuana bans and moratoria and, instead, would have required a public vote for a jurisdiction to ban marijuana. The bill died when it did not pass out of the House on February 14.

In addition, the bill would have established a general legal principle that state law preempts municipal ordinances or regulations pertaining to recreational and medical marijuana. Court decisions to date have held that Initiative 502 (I-502) does not preempt local governments from restricting or banning state-licensed marijuana business in their communities. The state's Attorney General's Office has also interpreted I-502 (atg.wa.gov/ago-opinions/whether-statewide-initiative-establishing-system-licensing-marijuana-producers) to not interfere with local government's broad authority to regulate within their jurisdictions.

AWC was opposed to this bill as a matter of local control. Thank you to all those who reached out to your legislators.

Environment & land use

Changes to aquatic lease terms

The Department of Natural Resources (DNR) has requested legislation that impacts leases on state aquatic lands. **SB 6140**, Sen. Curtis King (R-Yakima), would extend the potential terms of aquatic leases from the current maximum of 10 years, with 5-year renewals, to a maximum of 30 years. Allowing for longer leases could benefit city lessees by allowing easier financing for improvements on leased lands.

This bill has committee hearings scheduled in the House this week. Please contact us if you have concerns.

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New building code requirements for areas prone to wildfire

As demonstrated by recent wildfires in California, Oregon, and here in Washington, wildland fires have the potential to devastate neighborhoods located in the “wildland-urban interface.”

ESSB 6109, Sen. Kevin Van De Wege (D-Sequim), would adopt the 2018 International Wildland Urban Interface (WUI) Code as part of the state building code, after mapping of statewide wildland-urban interface areas by the Department of Natural Resources (DNR) is complete. Until that time, cities may choose to adopt the WUI requirements as part of their local building codes. This new code includes requirements for fire-resistant roofing, deck and siding materials, and adequate driveway turnarounds or turnouts to allow access by fire authorities. In addition to mapping areas subject to the new code, DNR would be charged with providing grants and technical assistance to local communities implementing the new requirements.

AWC supports the flexibility provided to local jurisdictions in the bill to adjust the turnaround requirements to fit local circumstances, and supports assistance from DNR to help communities address this serious issue. Please contact us with any concerns.

Bill to expand multifamily property tax exemptions moves to House

SSB 6347, Sen. Keith Wagoner (R-Sedro-Woolley), would expand a property tax exemption program for developers who build multifamily housing in urban centers. The substitute bill that passed out of the Senate expanded eligibility for the program to all cities or towns until July 2021. After that date, program eligibility would revert to cities with a population of 15,000 or greater, or for smaller cities planning under the Growth Management Act.

AWC supports the expansion of this program to all cities as an important tool for developing more affordable housing.

Pilot program to help cities control the spread of apple maggots

Apple maggots are a serious threat to Washington’s apple industry. Many cities are under an apple maggot quarantine. For a few cities, the only disposal facilities for brush and yard waste from urban areas are located outside their quarantine area, and transporting urban yard waste to these facilities is not allowed. Burning this yard waste or brush would be an alternative, but cities are subject to burn bans under air quality regulations.

SB 6055 (Sen. Brad Hawkins, R-East Wenatchee) establishes a pilot program to allow limited outdoor burning of yard waste and brush in cities and towns and their urban growth areas, without a permit, and under the supervision of local fire authorities.

Cities that participate in the pilot program must provide information to the Washington State Department of Agriculture and the Department of Ecology, which is charged with reporting back to the Legislature on the program’s effectiveness by December 31, 2020.

AWC supports this bill.

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Bill seeks to reduce environmental impacts of firefighting foam

SB 6413, Sen. Kevin Van De Wege (D-Sequim), would ban the manufacture and sale of firefighting foam containing perfluoroalkyl and polyfluoroalkyl chemicals (PFAS). More information about these potentially harmful chemicals can be found [here](#).

PFAS has been found to persist in the environment, including in drinking water, food, and within the human body. Some cities in Washington have faced costly cleanup of drinking water sources contaminated by these chemicals. The ban would be effective until July 1, 2020. Alternative foams are already available and used by some local fire authorities. The bill would also require sellers of firefighting gear using or contaminated by PFAS to notify the buyer. The Department of Ecology would be tasked with assisting local governments to avoid purchasing firefighting equipment with PFAS.

AWC supports this effort to protect the public health of city firefighters and residents from these potentially harmful chemicals.

General government

Voting Rights Act on its way to enactment – Critical city improvements not included

Although the House version of the Voting Rights Act bill, **HB 1800**, died on Valentine's Day, its most concerning aspects for cities were brought back to life in the substitute version of **SB 6002** that passed the House State Government, Elections, & IT Committee. On Thursday, February 15, an amended version of **SB 6002** was proposed and passed out of the House committee. The Rules Committee can now bring the bill to the floor for action at any time, and as we have previously reported, we expect that a Voting Rights Act bill will pass this session.

AWC continues to engage with House legislators in working to improve this bill. We appreciate that the House version of **SB 6002** clarifies the good faith requirements and requires an actual showing of lack of opportunity for a protected class, as we requested. However, our other significant concerns have not been addressed. Worse, the language in the bill passed by the House committee is backsliding in the following significant ways from the Senate-passed version of the bill.

The bill:

- **Asks the court to reject a city's proposed remedy, unless the city can prove it is legitimate.** The city is presumed to be working in bad faith and, thus, their remedy is tainted. This is akin to "guilty until proven innocent." The act should include a burden of proof that respects the decision of a city council's adoption of a remedy – conforming to the usual balance of powers that exists in our legal system, and avoid the court's second guessing the council's legislative decision. The inclusion of a rebuttable presumption against the local government is an unprecedented shifting of the burden of proof.
- **Reduces the time for a city to adopt a remedy.** If a notice is received after July 1, 2021, a jurisdiction only has 90 days to adopt a remedy (instead of 180 days).

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Further, the concerns AWC had with the version of SB 6002 passed by the Senate remain, and are as follows:

- **Presumes a problem in every city and town, regardless of size.** The size of the cities subject to this act should be larger. In its current form, it applies to all cities above a population of 1,000. Small cities will not benefit from further division, but will experience unintended consequences – costs to implement districts, difficulty in filling district seats from such a small pool of voters, and exposure to baseless lawsuits.
- **A population-based metric, which includes children and those ineligible to vote, should not be included in the metric of a voting law.** The threshold metric should be citizens of voting age.
- **Only a voter who resides in the political subdivision should be able to file a lawsuit** – not anyone from anywhere. The inconsistent language in the bill should be changed to make this clear.
- **Unreasonable public notice requirements for voluntary change** – airing radio and TV ads in dozens of languages is a disincentive to proactive change.
- **No additional time is allowed if the jurisdiction receives more than one notice.**

A Voting Rights Act bill is expected to pass this session. Your legislators need to hear from you on what that bill should include. These changes will determine how easy or difficult it will be to implement the law.

Our updated fact sheet provides further information. Please contact Dave Williams, Victoria Lincoln or Shannon McClelland if you have any questions or concerns.

Wrongful death bill that expands city tort liability is still alive and moving

SB 6015 survived the cutoff and is still moving through the Legislature. The bill would significantly expand city tort liability associated with wrongful death claims. The Attorney General's Office estimates a 20 percent increase in costs associated with these types of claims.

Washington local government tort liability is unlike the rest of the nation because we lack many protections that other states and their local governments are granted. For example, Washington local governments:

1. Cannot claim immunity;
2. Have fewer available defenses;
3. Do not have caps on damages; and
4. Are subject to joint and several liability with a no-fault plaintiff.

SB 6015 adds additional claimants and increases the potential for damages – altering the balance in current law between recovery and fairness after a tragedy. AWC opposes this bill. Please consider reaching out to your legislators to voice your opposition.

For more information, please review this brief from the Liability Reform Coalition or contact AWC staff Logan Bahr or Shannon McClelland.

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Local taxing districts transparency bill moves forward

Substantial changes were made to the taxing district transparency bill SB 6587. The bill requires the disclosure of tax information on utility billings using the following criteria:

- Utility districts with 10,000 or more customers will need to disclose tax information by September 1, 2018;
- Districts less than 10,000 but more than 5,000 customers will need to disclose information by January 1, 2023, or when their next billing system is upgraded, whichever comes first; and
- Districts under 5,000 customers are encouraged to disclose the information but are not required.
- Small utilities as defined by RCW 19.29A.040 providing retail electricity may voluntarily comply with the written or electronic notice of a public meeting discussing electricity rate or discloser of taxes imposed on the billing statement. A small utility is defined as less than 25,000 customers.

The bill was passed out of the Senate on a vote of 34-13 and will be heard in the House Local Government Committee on Wednesday, February 21.

While these timeline changes help utilities to comply with billing system changes, there are still concerns that six months is not enough time for the larger utilities, and there will be additional costs to comply.

Housing

Housing, homelessness, and human services update after cutoff

One of the major cutoffs in the legislative calendar (leg.wa.gov/legislature/Pages/cutoff.aspx) happened on February 14. By that cutoff date, all bills that are not intricately tied to the budget were required to have passed out of the chamber where they originated. If they didn't pass that cutoff, the bill is declared dead for the year. It's been a surprisingly busy year across many issue areas, and the housing, homelessness and human services arena is no exception. No less than eight significant pieces of legislation have either survived the cutoff or remain alive due to their budgetary implications.

HB 1570 from Rep. Nicole Macri (D-Seattle), is a priority bill for AWC as we encourage the Legislature to give local communities tools to address conditions on our streets. The bill eliminates the sunset date on the preeminent shared funding source for these purposes, and makes permanent the document recording fee used to provide housing and supports to the homeless. Even more importantly, the bill would allow counties the ability to raise the fee by a maximum of an additional fifty dollars in support of homeless housing needs. This would almost double available resources to any region that chose to use this tool – and the majority of these investments ultimately occur in cities. The bill passed out of the House by a narrow 51-47 margin. Supporters of this proposal are circulating a community support letter. AWC has signed the letter and cities that care about this proposal are encouraged to sign at www.surveymonkey.com/r/SHB1570 as well.

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On February 9, the House passed **HB 1047**, a major milestone for the long-running effort to start a producer-funded medication take-back program throughout the state – with at least one collection site in every city. The program has the potential to reduce the availability and abuse of unused prescription opioids as patients will have a new option to safely dispose of excess or unneeded medications, if this legislation is enacted. Watch this video (www.youtube.com/watch?v=3Po4EblbPr8) to learn how it's currently working in several counties.

HB 2667 fixes a quirk in the law that is forcing people with disabilities and mental illnesses who are already receiving housing support to fall into homelessness when their disabilities become permanent. The last thing cities struggling to care for their communities need is to force individuals we've gotten back on their feet into homelessness for no good reason. To put someone in housing only to watch them become homeless again because they went from temporary to permanent disability is a tragedy we can prevent with this bill. This bill passed with a huge bipartisan majority on February 8. Supporters of this proposal are circulating a community support letter. AWC has signed the letter and cities that care about this proposal are encouraged to sign at www.surveymonkey.com/r/HB2667LetterOfSupport as well.

HB 2892 and **SB 5970** create a grant program to help cities utilize mental health professionals in partnership with their police so that people in crisis can get the help they really need – rather than using the criminal justice system as the de facto behavioral health system. We hope this pilot can enhance the work that many cities are already doing, and ensure that new communities make it a priority. Our big challenge moving forward is to convince the Legislature to invest in this program in a meaningful way.

SB 6347 authorizes a property tax incentive program for cities to attract multifamily development. This tool is currently available only to mid- and large-sized cities and this proposal would extend it to all cities. We hear consistently about the difficulties many communities face in attracting multifamily development when the profit margins can be much tighter outside of the urban core. This bill passed the Senate.

Finally, two significant bills to create new local option revenues to address housing affordability are still alive because of their budget implications, despite not moving ahead of the cutoff. **HB 1797** contains a variety of approaches that are targeted at different classes of communities, including facilitating councilmanic access to an optional sales tax in King County, a new program to reinvest sales tax on the construction of multifamily developments to create more affordability outside of King County, and more flexibility with existing real estate excise revenues.

HB 2347 would create an innovative new partnership between local governments and the state, where both would pledge a portion of their sales tax to raise revenues to invest in the construction and maintenance of affordable housing facilities. The bill also provides the flexibility to pursue other directions like rental assistance if that is more appropriate. These funds could be bonded against to make a major investment in affordable housing now, to treat this problem with the urgency it deserves. The real challenge with this proposal is the state budget impact, it could cost as much as \$20-\$40 million per year if every community took advantage. So, if this is appealing to you, it is urgent that talk to your legislators about prioritizing this necessity.

These are just the highlights, we weren't kidding that this has been a busy session on these issues. Please let us know if you are supporters of these ideas and commit to encouraging your legislators to act on these proposals to get them across the finish line by the end of session.

continued

Human services

Opioid use disorder prevention and treatment

Communities and individuals suffering from the opioid epidemic may find some relief thanks to **HB 2489**. Rep. Eileen Cody's (D-Seattle) bill passed unanimously out of the House. The bill proposes to:

- Direct emergency departments to distribute opioid reversal medication to individuals at risk of overdose;
- Allow pharmacists to partially fill prescriptions upon request of the prescriber or patient;
- Require practitioners to discuss alternatives when prescribing opioid-based drugs to a patient for the first time;
- Require practitioners to register for the Prescription Monitoring Program and to take continuing education course on best practices; and
- Connect certified peer counselors with individuals who have had a non-fatal overdose.

Additional safety measures will also be put into place such as warning statements, risks, and safe disposal of unused prescriptions is mandated.

Infrastructure

Checking in on electric utility bills

At the halfway point of this short legislative session, several bills focused on renewable energy planning and production by electric utilities did not pass out of their respective chambers. However, two bills sponsored by Sen. Guy Palumbo (D-Maltby) have moved from the Senate to the House. These bills seek to expand opportunities for renewable energy and could have cost implications for municipal utilities.

Raising net metering requirements

Utilities have raised concern that imposing a higher minimum threshold for net metering will have cost impacts on municipal utilities. Net metering allows electricity customers to offset their utility costs by generating their own electricity with small-scale, renewable energy systems (such as solar panels). Under current law, utilities must allow net metering capacity at .5 percent of the utility's 1996 peak demand. Customers participating in net metering can be credited on their utility bills for up to 100 kilowatt hours (kWh). Several utilities, including small municipal utilities, already exceed .5 percent net metering, while others have not reached that threshold. **SB 6081** would raise the .5 percent threshold to four percent. The bill also calls for a study that would consider cost impacts to utilities and ratepayers, with an initial report due to the Legislature by December 1, 2019.

Allowing small utility incentives for home electric car chargers

SB 6187 clarifies that consumer-owned utilities can offer incentive programs to their customers for "electrification of transportation," such as installing home chargers for electric vehicles. Larger, investor-owned utilities were given this authority in 2015. With **SB 6187**, municipal utilities will also be able to offer rebates to their ratepayers, if cost-effective for the utility. Rebates would not be allowed to increase costs to ratepayers more than one-quarter of one percent. AWC supports the flexibility in this bill to allow utilities to determine the cost-effectiveness of offering incentive programs for home charging and limit costs to ratepayers.

continued

Open government

Request a public record consultation from the Attorney General's Office

The Attorney General's Office now offers local governments assistance through its Local Government Public Records Consultation Program. The program will provide information and assistance to local government agencies on adopting best practices for public records.

The Attorney General's Office is currently accepting requests for consultation. Local government agencies interested in receiving a consultation can find more information and submit a request at www.atg.wa.gov/prc-consulting-program or contact Public Records Act Consultant Morgan Damerow at atpraconsultation@atg.wa.gov or 360-570-3418. Agencies can receive consultations via phone, email or in-person.

Updates regarding JLARC's public record performance metrics now available

In November, the Joint Legislative Audit and Review Committee (JLARC) issued its preliminary guidance for local governments to use as they prepare to report on their public disclosure requests.

In response, JLARC received questions and feedback that have been incorporated into three, recently-released documents:

- Frequently Asked Questions (FAQs) - [leg.wa.gov/jlarc/Documents/PubRecordsAdmin/Agency Guidance FAQ Revised 2.4.18.pdf](http://leg.wa.gov/jlarc/Documents/PubRecordsAdmin/Agency%20Guidance%20FAQ%20Revised%202.4.18.pdf)
- An updated guidance document ([leg.wa.gov/jlarc/Documents/PubRecordsAdmin/Agency Guidance2.4.18.pdf](http://leg.wa.gov/jlarc/Documents/PubRecordsAdmin/Agency%20Guidance2.4.18.pdf)) that incorporates suggestions on how to make the language in the guidance more clear.
- A revisions sheet ([leg.wa.gov/jlarc/Documents/PubRecordsAdmin/Guidance Revisions and Updates 2.4.18.pdf](http://leg.wa.gov/jlarc/Documents/PubRecordsAdmin/Guidance%20Revisions%20and%20Updates%202.4.18.pdf)) that shows which metrics have been updated, the purpose of each revision, and how the language has changed.

JLARC is building an online system that agencies will use to report their data. That system should be available for use by the end of May or early June.

If you have any questions, please contact:

- Jill Satran, Sightline, (360) 791-3020, jill@sightlinellc.com; or
- Valerie Whitener, JLARC, (360) 786-5191, valerie.whitener@leg.wa.gov

continued

Personnel

Costly first responder occupational disease bills continue to move

Two major pieces of legislation on expanding workers' compensation coverage and presumptions for law enforcement officers and firefighters continue to make headway.

SB 6213 would create new presumptions for fire responders covering additional cancers and infectious diseases. The House version of the bill (**HB 2633**) failed to make it out of the chamber before the cutoff date. If passed, **SB 6213** is estimated to cost local governments \$14.2 million in 2017-19 biennium and \$10 million in the 2019-21 biennium.

SB 6214 would allow law enforcement officers and firefighters to make a workers' compensation claim for posttraumatic stress disorder (PTSD) as an occupational disease (which current law prohibits) and would also make that coverage presumptive. Per the bill, PTSD would not be considered an occupational disease if the disorder is directly attributed to disciplinary action, termination, or similar action taken by an employer. Also, the presumption would only apply if the PTSD manifests after the employee has served for at least 10 years. If passed, the bills expanding PTSD presumptions are estimated to cost local governments between \$2.8 million and \$7.7 million in ongoing costs and between \$45 million and \$125 million in one-time costs.

AWC continues to have major concerns with both bills due to a lack of medical evidence supporting the creation of these presumptions. These bills would also drive up local government workers' comp and pension costs.

COLA increase for PERS 1 and TRS 1 moves out of the Senate

SB 6340 would increase pension benefits for PERS 1 retirees by increasing pension contribution rates paid by local governments. The bill moved out of the Senate with a unanimous vote and would provide PERS 1 retirees with a one-time cost of living adjustment (COLA) of 2 percent with a maximum annual cap of \$750. The bill has been referred to the House Appropriations Committee but is not yet scheduled for a hearing.

AWC has concerns with the costs associated with the size of the COLA. We will continue to advocate for a reasonable COLA policy focused on targeting retirees whose benefits have been impacted most by inflation.

continued

Public safety & criminal justice

Carryover bill that affects a convicted defendant's legal financial obligations continues to move this session

HB 1783, sponsored by Rep. Jeff Holy (R-Cheney) and introduced last session, changes how legal financial obligations (LFOs) are imposed on a convicted defendant. When a defendant is convicted of a crime, the court may impose LFOs as part of the judgment and sentence. LFOs include victim restitution, crime victims' compensation fees, costs associated with the offender's prosecution and sentence, fines, penalties, and assessments.

The bill does the following:

LFO interest: Interest accrual on the non-restitution portion of an offender's LFOs is eliminated as of the effective date of the act. Standards for the reduction or waiver of interest on LFOs are also revised. Upon motion of the offender, the court must waive interest on the non-restitution portion of the LFOs that accrued prior to the effective date of the act.

Imposition and collection of LFOs: A court may not impose costs on an offender who is indigent at the time of sentencing, or appellate costs on an offender who is indigent at the time of the request for appellate costs. An offender who is not in willful default in the payment of costs may request the court to convert unpaid costs to community restitution hours at the rate of the minimum wage, if payment of the amount due will result in manifest hardship to the defendant. If the court finds that the defendant is indigent, the court must grant permission for payment of LFOs to be made within a specified period of time or in specified installments.

Priority of payment: An offender's LFO payment must be applied in the following order:

- First, proportionally to restitution to victims that have not been fully compensated from other resources;
- Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;
- Third, proportionally to crime victims' assessment; and
- Fourth, proportionally to costs, fines, and other assessments.

The requirement that costs of incarceration be paid last after all other LFOs are satisfied is removed. The priority of payment applies to cases in all lower courts.

Enforcement of LFOs: An offender cannot be sanctioned for failure to pay LFOs unless the failure to pay is willful. Willful failure does not arise if the offender is indigent, homeless, or mentally ill. When determining an offender's ability to pay or whether to sanction an offender for failure to pay, the court must consider factors set forth in the bill.

Nothing in the act requires the courts to refund or reimburse amounts previously paid toward LFOs or interest on LFOs.

HB 1783 passed out of the Senate Law & Justice Committee and was referred to Senate Ways & Means. The bill has until February 26 to pass out of that committee.

continued

AWC-supported body worn cameras bill passes out of Senate

SB 6408 concerns law enforcement body worn cameras, including policies related to their use and disclosure exemptions under the Public Records Act. The bill makes minimal changes to the current body worn camera statutes but, importantly, keeps the good faith protection for local governments and removes the sunset clauses which would ensure that these statutes continue to remain in law. The bill came out of a two-year-long task force which issued a report (leg.wa.gov/JointCommittees/UBWC/Documents/UBWC-FinalRpt.pdf) and set of recommendations in December.

SB 6408 had a public hearing in House Judiciary Committee and is scheduled for executive action in the committee on Thursday, February 22 at 1:30 pm.

Telecommunications

Broadband and small cell networks

This legislative session there have been two approaches to the deployment of broadband infrastructure and small cell facilities. **SB 5935**, Sens. Tim Sheldon (D-Potlatch) and Reuven Carlyle (D-Seattle), is a bill that would require cities to adopt ordinances or policies establishing permitting processes for siting small cell facilities, when the city has received a completed application from a small cell wireless service provider. There is an additional provision that if cities have previously adopted a small cell facility ordinance or policy consistent with the requirements of the bill, they are not required to adopt a new ordinance or policy. The bill also creates a state broadband office, extends the State Universal Service Program to 2025, and includes some limited increased authority for certain PUDs and ports to provide internet services.

In the House, Rep. Jeff Morris (D-Mount Vernon) introduced **HB 2592** that would create a voluntary list of cities deemed “investment ready” for advanced wireless technologies. It would specify the perimeters under which a city would qualify, such as having adopted a streamlined and predictable permit process, and calls for the Department of Commerce to post the list of local governments deemed investment-ready on their website.

Now that the deadline has passed for bills to advance to the opposite chamber, only **SB 5935** remains alive.

AWC has been commenting on language and testifying on each of these bills all along the process. There are additional amendments AWC will be advancing on **SB 5935** as the bill is debated in the House Technology & Economic Development Committee later this week.

Transportation

Ride share bill fails to advance after crucial cutoff

The last of the rideshare bills (Uber, Lyft, etc.) failed to advance before the crucial February 14 cutoff deadline when bills needed to move out of their houses of origin. **SB 6043**, Sen. Steve Hobbs (D-Lake Stevens), was the sole surviving rideshare bill still advancing through the Legislature. This bill sought to consolidate the regulation of transportation network companies. With its failure to advance out of the Senate by 5 pm on February 14, the bill is considered dead for the 2018 legislative session.

[Click to read more about the bill and the other rideshare bills introduced this session.](#)

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Bill addressing state route population threshold requirements on the move

A bill addressing the population threshold of state route maintenance responsibilities passed out of the House on February 13, with overwhelming support. **HB 2948**, Rep. Paul Graves (R-Fall City), would raise the population threshold for cities required to take on increased state route maintenance responsibilities. Currently, cities with a population of more than 25,000 carry greater responsibilities for the maintenance of state routes that run through their communities. These include requirements around maintaining traffic control signals and slope stability.

The bill was amended on the floor of the House of Representatives to raise the population threshold from 25,000 to 35,000, in five year increments of 2,500, through 2033.

AWC is very supportive of this legislation and appreciates Rep. Graves's leadership in bringing this important policy change forward.

The bill now moves to the Senate Transportation Committee.

New funding source for small airport infrastructure

HB 1656, Rep. Tom Dent (R-Moses Lake), creates a new revolving loan program to support infrastructure improvements at small public airports.

The Community Aviation Revitalization Loan program would be administered by Washington State Department of Transportation's Aviation Division, with oversight from a task force that would include a member representing Washington cities.

AWC supports this new potential funding source for small municipal airports.

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

Dave Williams

Director of Government Relations
davew@awcnet.org

Logan Bahr

Government Relations Advocate
loganb@awcnet.org
Issue areas: Emergency management, law & justice, liability, marijuana (policy), open government, pensions, personnel & labor relations, public records

Victoria Lincoln

Government Relations Advocate
victorial@awcnet.org
Issue areas: Energy, general government, marijuana (fiscal), municipal finance, state budget, telecommunications

Carl Schroeder

Government Relations Advocate
carls@awcnet.org
Issue areas: Environment & water, housing, human services, land use, state building codes

Jane Wall

Government Relations Advocate
janew@awcnet.org
Issue areas: Economic development, infrastructure, transportation

Dave Catterson

Government Relations Analyst
davec@awcnet.org
Issue areas: Economic development, energy, environment & water, housing, infrastructure, land use, state building codes, telecommunications, transportation

Shannon McClelland

Government Relations Advocate
shannonm@awcnet.org
Issue areas: Emergency management, general government, health care (non-personnel issues), human services (policy), law & justice, liability, marijuana (policy), open government, personnel & labor relations

Andrew Pittelkau

Government Relations Analyst
Issues areas: Human services (fiscal), marijuana (fiscal), municipal finance, pensions, state budget

Regina Adams

Government Relations Coordinator
reginaa@awcnet.org
Issues area: Federal

AWC CEO

Peter B. King, peterk@awcnet.org

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