



Legislative bulletin

February 27, 2023

Hot topics

Middle housing bill passes fiscal committee, concerns remain

The famous middle housing bill, **HB 1110**, continues to move through the House, passing out of the Appropriations Committee last Friday. We have had hours of productive discussions with sponsor Rep. Jessica Bateman (D–Olympia); we appreciate the willingness to engage and the improvement that happened with the bill as it worked its way through the committee process. Despite that work, we are still not in alignment with key aspects of the bill.

Act now to add your name to a letter supporting HB 1628 – The Affordable Homes Act!

If you missed the Action Alert AWC sent out on Thursday afternoon, please act now to support a critical funding tool for affordable housing. The bill provides two new real estate excise tax (REET) sources dedicated to affordable housing—one councilmanic local option, .25% REET (REET 3), and a new state REET tier for the portion of property value exceeding \$5 million. The state provision is projected to raise \$200 million per year for state housing programs. Curious how much REET 3 could raise for affordable housing in your city? Check out this list! Sign on to this form to add your name and city to the letter of support no later than Wednesday, March 1.

Vehicular pursuits bill passes out of House Transportation Committee

AWC is encouraged by the progress; however, the bill received a mixed vote and faces a tough road ahead. AWC urges cities to continue reaching out to your legislators to ask them to support this bill. **HB 1363** needs to pass the full House before the March 8 house of origin cutoff.

View from the hill

Legislative action marches to the floor

As we head into March, the Legislature heads to the floor. What is floor action? It is when bills that have passed out of committee are up for a vote by the full House or Senate. To remain viable or alive, a bill must pass out of its original house (i.e., house of origin) by 5 pm on March 8. Typically, the number of bills that reach this point has been significantly reduced, but this year it seems like more bills than normal have managed to survive the committee process and now await floor action. For cities, this means a lot of bills, both good and bad, are still out there and need your action. Check out this week's Bill Hot Sheet for the latest list of key bills. Be sure to communicate with your legislators about those you want to pass and those you want left behind.

Action items

Attend AWC city action calls – Members only Fridays at 12:30 pm | Online

Join our city action calls for AWC members each Friday to hear updates directly from your team of lobbyists on the latest action on the hill and progress on bills of importance to cities. Make sure to sign up in advance each week. After registering, you will receive a confirmation email containing the Zoom link for that week's call. Register now for this Friday's call.

Register for AWC Lobby Day March 16 | Olympia

City officials are invited to Olympia during this crucial time in the legislative session to tell legislators that strong cities are the key to a great state. Add your voice and let legislators know how they can help support and enhance strong cities.

After a major legislative cutoff date, legislators begin negotiating their differences in earnest while aiming to conclude work by April 23. Lobby Day is a key time to meet legislators face-to-face and on the floor to share the positive or negative impacts of the difficult budget and policy decisions they face.

Register to join us for as much of the day as you can and start making appointments with your legislators now.

Check out this historic overview of the Public Works Assistance Account

As the Legislature considers a proposal to constitutionally protect the Public Works Assistance Account (PWAA), the Washington Research Council delves into the history of the PWAA in a recent blog post. While AWC is not affiliated with the Council, a research and analysis organization supporting economic vitality, we want to share its excellent summary of tax revenues received by the PWAA, appropriations to the account, and regular diversions from the fund over the years. Read the article.

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Media time

It's all about housing

AWC staff sat down with Government Relations Deputy Director Carl Schroeder to discuss the status of housing legislation and some of the complexities facing the cities of the state. We're about halfway through the session and have just passed the first cutoff dates, so it's a great time to hear Carl's expertise and get updates on what's hot (and what's not) on the topics of zoning policy, affordable housing, regulatory reform, and infrastructure impacts. Tune in to the CityVoice Podcast to hear the latest.

City Action Days recap video

That's a wrap! We had a blast welcoming old and new city friends to our sold-out City Action Days event this year. Check out this short recap video [link to CAD video] celebrating all your hard work advocating on behalf of 281 cities and towns. You might even spot yourself! If you missed City Action Days this year, don't miss the opportunity to register for our AWC Lobby Day event back in Olympia on March 16.

What you need to know

Affordable housing: Companion lot-splitting bills amended and moving. Companion bills that intend to increase housing through lot splitting—allowing an existing residential lot to be split into two lots—have passed out of committee, and each is awaiting floor action in its respective chamber. The retained original provisions still seem very prescriptive for state law.

Homeownership assistance for those affected by racially restrictive covenants.

Homeownership rates in Washington vary significantly by race. White homeownership rates are almost 20% higher than those of Black, Indigenous, and people of color (BIPOC); specifically, Black households are homeowners at less than half the rate of white households. AWC supports a bill that intends to address this gap.

Broadband & telecommunications: State broadband map proposal refined, expanded, passed out of committee on unanimous vote. **HB 1746**, directing the State Broadband Office to create a statewide broadband map, has been significantly reshaped as it moves through the House.

Budget & finance: Property tax cap fix passes out of committee. **HB 1670**, revising the arbitrary property tax cap to tie it to your city's cost drivers (inflation and population up to 3%) passed out of the House Finance Committee. We appreciate the strong showing of city support in the hearing and encourage you to ask your legislators to support the bill moving to the House floor.

Finance bills march on to next stage in process before deadline. February 24 was the cutoff date for finance bills to pass out of fiscal committees (except for bills related to the budget), and several bills AWC is tracking moved on to the next step.

Energy: Energy project siting legislation governs city participation. HB 1216 intends to require and facilitate better-coordinated, faster environmental review and permitting decisions on energy projects of statewide significance.

Environment & natural resources: Hold producers accountable for the packaging they send into our state. HB 1131, the bill that adds consumer brand owners to those responsible for funding the recycling and management of consumer packaging in our state, has passed the committee hurdles. Washington is one step closer to becoming the fifth state to pass an extended producer responsibility (EPR) law for packaging. Consumer brand companies are responsible for the packaging they send into California, Oregon, and British Columbia—let's make sure Washington residents aren't left out!

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Federal: Phone support returning, new rules incoming, and annual reports due soon – Here’s your ARPA update. It’s been almost two years since cities received federal COVID-19 relief funds from the American Rescue Plan Act (ARPA), but even two years later, there are new developments headed this way.

General government: Problematic and expensive police liability bill advances. HB 1025, a bill that ends police qualified immunity and will significantly increase liability risk for cities, passed out of the House Appropriations Committee. AWC still needs your help to convince legislators to keep this damaging bill from passing out of the House.

HR & labor relations : Bill banning hiring discrimination against cannabis users passes Senate. A bill that bans employers from refusing to hire a job candidate due to lawful cannabis use passed the Senate. **SB 5123** now heads to the House for consideration.

Bill on sharing personnel records with employees amended, voted out of committee. A bill to require employers to share a wide range of personnel records with current and former employees on request was amended and passed out of the House Appropriations Committee on Friday ahead of the fiscal committee cutoff.

Human services: Eligible cities have until April 18 to join the five new opioid settlements for a portion of \$217 million. Cities that qualify to join the five new opioid settlements should have been contacted recently by the settlement administrator with instructions and settlement documents. These settlements are in addition to the distributor settlement funds eligible cities began receiving in December last year.

This was a big week for behavioral health resources. Two bills that will promote behavioral health resources in Washington made significant progress last week.

Land use & planning: Support the annexation funding bill to pass out of the House. A bill to reinstitute the annexation sales tax credit to provide resources to facilitate and incentivize annexations awaits being pulled to the House floor for a vote. This bill came out of the GMA Collaborative Roadmap process and was recommended unanimously.

Public safety & criminal justice: Blake bill passes out of fiscal committee with modifications. SB 5536 continues to be the vehicle for a long-term solution to the issue of drug possession law following the State v. Blake decision in 2021. The bill makes knowing possession of a controlled or counterfeit substance a gross misdemeanor and promotes a pretrial diversion program option.

Bill limiting use of traffic stops for non-moving violations passes out of House Transportation Committee. HB 1513 also specifies additional process requirements for traffic stops. AWC testified with concerns on this bill, as there are multiple ambiguities and questions about its impacts.

Public works & infrastructure: Apprenticeship utilization expansion amended, improved for cities. After active stakeholder engagement that included AWC staff, we are happy to report a small win for cities in an update to legislation affecting municipal public works requirements.

Prevailing wage proposal fails to make cutoff in one bill, makes it past deadline in another. A plan to ensure workers are paid the prevailing rate of wage in effect at the time the work is performed finds support in SB 5726 after dying in **HB 1099**.

Transportation: Jaywalking bill tempered to address safety concerns, passes out of committee. SB 5383, aiming to decriminalize jaywalking and reduce pedestrian profiling, was amended last week in response to a strong set of stakeholder voices expressing reservations with the proposal.

Autonomous vehicle proposal parked, for now. Intending to establish rules and regulations governing the operations of fully autonomous vehicles in Washington, **SB 5994** took a spin around the track before heading back to the garage for repairs.

continued

Affordable housing

Companion lot splitting bills amended and moving

Contact: Carl Schroeder, Shannon McClelland

Companion bills that intend to increase housing through lot splitting—allowing an existing residential lot to be split into two lots—have passed out of committee, and each is awaiting floor action in their respective chamber.

HB 1245 and **SB 5365** have both been amended but retain their companion status, as their amendments match. The retained original provisions still seem very prescriptive for state law:

- Require authorizing lot splitting within residential zones that allow for the development of detached single-family homes if the statutory list of conditions are met, including that the resulting lots are at least 1,500 square feet and at least 40% of the size of the original lot.
- Not impose the following requirements on the split lots:
 - more than one off-street parking space per lot
 - more than 20 feet of frontage width per lot
 - permitting requirements, design standards, or impacts fees on construction that are greater than those imposed on new residential construction generally within the same zone

The substitute version of each bill now has these changes:

- Clarifies that cities may require easements wider than four feet for access to rear lots if required by site-specific conditions, such as access to utilities.
- Also allows exceptions for site-specific conditions to the prohibition of a city from imposing requirements for dedications of rights-of-way or for the construction of off-site improvements.
- Removes references to specific types of laws and specifies that the construction on lots resulting from a split is subject to all existing state and local laws, except for the provisions outlined in this act.
- Requires all lots resulting from a split to meet existing minimum review standards for subdivisions.

Please let Carl or Shannon know how these would impact your city, and whether the lot splitting concept with less prescription would receive your city's support.

Homeownership assistance for those affected by racially restrictive covenants

Contact: Carl Schroeder, Shannon McClelland

Homeownership rates in Washington State vary significantly by race. White homeownership rates are almost 20% higher than black, indigenous, or people of color (BIPOC); and, specifically, black households are homeowners at less than half the rate of white households. AWC supports a bill that intends to address this gap.

The implications of the lack of access to home ownership, including the generational wealth building opportunities that it provides, have wide ranging impacts. These disparities originate with the racist history of redlining, lending practices, zoning practices, and the proliferation of restrictive covenants that expressly prohibited selling properties in certain neighborhoods to people of color.

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AWC supports companion bills **HB 1474/SB 5496** (Rep. Jamila Taylor (D–Federal Way) and Sen. John Lovick (D–Mill Creek)) which tackle the implications of racially restrictive covenants. The bills provide for a new revenue source through a \$100 fee on the recording of real estate documents with the county auditor to support down payment assistance and closing cost assistance for families and their descendants that were harmed by racially restrictive covenants.

A variety of studies and oversight committees are also established to provide program development and oversight.

Dates to remember

HB 1628 is scheduled for public hearing in the House Local Government Committee on Tuesday, February 7 at 10:30 am.

Middle housing bill passes fiscal committee

Contact: Carl Schroeder, Shannon McClelland

The famous middle housing bill continues to move through the House of Representatives, passing out of the Appropriations Committee on Friday, February 24. We have had hours of productive discussions with the sponsor, Representative Bateman; we appreciate the willingness to engage and the improvement that has happened with the bill as it worked its way through the committee process. Despite that work, we are still not in alignment with key aspects of the bill.

The primary concern remaining in **HB 1110** is the state application of minimum zoning standards to almost all residential lots, with limited exceptions, in affected cities. We continue to press for more flexibility and means for local decision-making to shape where these upzones would occur. We believe that this combination of state direction with flexibility would provide a framework that most cities can make work.

Legislators are continuing to move forward with a broader preemption. If this is concerning to you, please communicate those concerns with your delegation. You can also comment directly on the bill to your delegation (<https://wacities.org/Advocacy/legislator-directory>) by using this page (<https://app.leg.wa.gov/pbc/bill/1110>).

Key components of the bill as it passed out of its fiscal committee are as follows:

- Cities with a population of between 25,000-75,000 who are not within a contiguous, unbroken, chain of urban growth areas (UGAs) with a city over 200,000 would be required to authorize:
 - Duplexes on every residential lot
 - Fourplexes on every lot if one is affordable
 - Fourplexes on every lot within ½ mile walking distance of a major transit stop, public K-12 school, and community park
- Cities with a population over 75,000 or within a contiguous UGA of a city over 200,000 would be required to authorize:
 - Fourplexes on every residential lot
 - Sixplexes on every lot if two units are affordable
 - Sixplexes on every lot within ¼ mile walking distance of a major transit stop, public K-12 school, and community park

We continue to seek further improvements to the infrastructure sufficiency, parking restrictions, and approval for substantially similar local action provisions.

Please take another look through the bill and update your feedback to AWC.

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Broadband & telecommunications

State broadband map proposal refined, expanded, passed out of committee on unanimous vote

Contact: Brandy DeLange, Brianna Morin

Legislation directing the State Broadband Office (WSBO) to create a statewide broadband map has been significantly reshaped as it moved through the House chamber, picking up amendments that expand WSBO's directive and refine the implementation process.

AWC previously wrote about the introduced version of **HB 1746** here (<https://wacities.org/news/2023/02/06/washington-may-soon-have-a-state-broadband-map-showing-high-speed-internet-coverage-statewide>).

The bill is currently on its second substitute version, which includes the following changes to the original:

- Requires WSBO to use the most current version of the national broadband map maintained by the Federal Communications Commission (FCC) as the basis for the state broadband map.
- Requires WSBO to review the national broadband map for deficiencies and to inform covered entities of the necessity to submit accurate mapping data to the FCC and to WSBO.
- Permits WSBO to consult with broadband stakeholders to determine the availability of broadband infrastructure data that is not included in the national broadband map and that may be used to populate the state broadband map.
- Establishes that WSBO may only share data with other state agencies or with a contractor under an agreement that adheres to applicable requirements regarding data sharing agreements.
- Removes the provision requiring WSBO to establish a process to receive and evaluate petitions to correct inaccuracies in the map.
- Allows WSBO to contract with a private entity or third-party consultant to investigate and verify the availability of broadband infrastructure and services in locations of the state where discrepancies have been identified regarding the status of a location as served, unserved, or underserved.
- Permits WSBO to use certain information collected as part of its broadband mapping duties to submit bulk challenges to the national broadband map.
- Adds satellite broadband service providers as covered entities who must report mapping data to the Broadband Office.
- Requires covered entities that own or operate satellite infrastructure supporting end-user connections to report on areas served and speeds available in those areas.

The bill, as amended, was passed out of the House Capital Budget Committee on a unanimous vote.

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Budget & finance

Finance bills march on to next step of process before legislative deadline

Contact: Candice Bock, Sheila Gall

February 24 was the cutoff date for finance bills to pass out of fiscal committees (except for bills related to the budget).

In addition to **HB 1670**, the property tax cap fix (<https://wacities.org/advocacy/News/advocacy-news/2023/02/24/property-tax-cap-fix-passes-out-of-committee>), several bills AWC is tracking have moved out of committee and on to the next step in the process:

- **HB 1267** extending authority for the rural county economic development sales tax credit (.09 sales tax) to 2054 passed out of the Finance Committee and moved out of the Rules Committee on February 22. Cities support this authority and often partner with counties on local development projects using these funds.
- **HB 1648**, the TSWIFT consumer protection act, which imposes new protections on event ticket sales and violations for bypassing ticket sales security technology, passed out of the House Appropriations Committee on February 24. Amendments to the bill addressed local concerns. It no longer includes the section that preempted local government regulation and potentially impacted to city and PFD admissions tax authority.
- **SB 5158**, requiring the Department of Revenue to establish an online database of state and local tax rates and require local governments to report rate information to DOR, passed out of the Senate Ways & Means Committee on February 7.

Bills that did not pass out of committees include:

- **HB 1446/SB 5361** which would allow cities to impose a new 0.1% sales tax, credited against the state sales tax, to fund police hiring and criminal justice activities and would have eliminated the 25% local match for basic law enforcement training costs.
- **HB 1476/SB 5289**, which would give cities the authority to charge impact fees for law enforcement facilities.
- **HB 1644/SB 5482** which would replace the state's B&O tax with a margin tax and was a recommendation from the State Tax Structure Work Group.
- **SB 5387** and **SJR 8204**, which would establish a homestead exemption on the first \$250,000 of residential property.
- **SB 5495** and **SJR 8206**, a similar proposal to establish a \$250,000 homestead property tax exemption and to repeal the uniformity clause for property tax in the state constitution.
- **SB 5509**, creating a state infrastructure bank. The bill passed out of the Senate Business, Financial Services, Gaming & Trade Committee on February 16, but was not scheduled for a hearing in Senate Ways & Means.

While some finance bills did not meet the committee deadline, it is unclear at this point which proposals might be related to the state budget and could see further action.

As the focus for legislation now turns to floor action, it is also a good time to share AWC's budget priorities (<https://wacities.org/advocacy/News/advocacy-news/2023/02/10/share-your-support-for-the-city-budget-priorities-in-awc-s-letter-to-budget-leaders>) with your legislators. Budget negotiations will be taking place in fiscal committees ahead of the March 20 state revenue forecast. The House and Senate usually release their state budget proposals shortly after the forecast is finalized.

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Property tax cap fix passes out of committee

Contact: Candice Bock, Sheila Gall

HB 1670, which revises the arbitrary property tax cap to tie to your city's cost drivers – inflation and population up to 3% – passed out of the House Finance Committee on February 21. We appreciate the strong showing of city support in the hearing last week.

Now that the bill has moved prior to the fiscal cut-off deadline, take some time to thank your legislators and ask them to support the bill moving to the next step in the process – out of the Rules Committee and a vote on the House floor.

Remind them that:

- This local option would help local governments keep up with increasing costs of services.
- Cities and other local governments rely on property taxes as a major revenue source for services.
- Local officials are trusted with making good decisions to address the needs of the communities they are elected to represent.

Thanks to all city officials who took time to testify or express support for **HB 1670** at last week's hearing.

See AWC's property tax fact sheet (https://wacities.org/docs/default-source/legislative/factsheetpropertytax2023e1284649b78160ed9eadff0000bbe4eb.pdf?sfvrsn=a9a9264f_3) for more information.

COVID-19

Phone support returning, new rules incoming, and annual reports due soon – Here's your ARPA update

Contact: Jacob Ewing

It's been almost two years since cities received federal COVID relief funds from the American Rescue Plan Act (ARPA), but even two years later, there are new developments headed this way.

Phone and email support coming back

As you might remember, in October 2022, Treasury shut down the ARPA contact centers due to budget limitations. The contact centers provided basic support for local governments as they sorted out issues and questions about utilizing ARPA funds.

With the passage of the late-December 2023 federal omnibus bill, Treasury received authorization to reopen those centers. As of February 21, cities are able to contact Treasury via phone and email.

Here is the contact information for the call centers: SLFRF@treasury.gov or call (844) 529-9527.

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New rules incoming – Expected end of February or early March

Another positive impact of the recently passed omnibus bill is new allowable uses of COVID funds. The new uses include funding roads and bridges as well as aiding people impacted by natural disasters. The exact details and rules of the expanded uses are still in development and should be released by Treasury in late February or early March.

While the changes are welcomed, the newly released rules will only truly benefit cities who received more than \$10 million in ARPA funds or cities that chose not to claim the standard allowance for general government services created under the final rule released in January 2022.

You can read more about the changes here (<https://wacities.org/advocacy/news/advocacy-news/2023/01/13/feds-okay-additional-allowable-uses-of-arpa-funds>).

Next report for all cities due April 30 – Can you login?

While April is still a month away, now is a good time to make sure you are ready to submit your next ARPA report to Treasury. While the report isn't terribly complicated for many Washington cities, logging into the portal has proven to be difficult for some. If you haven't logged into the portal since last year, take the time now to make sure you have access to it.

Please be aware that there are two different links for accessing the reporting portal depending on if your city is using Login.gov or ID.me.

Link for Login.gov users: <https://portal.treasury.gov/compliance/s/>

Link for ID.me users: <https://portal.treasury.gov/cares/s/slt>

In some cases, AWC may be able to help determine a city's authorized account administrator. If you are having trouble logging in, please contact Jacob Ewing.

The March 2023 report won't be available in the portal until late March or early April. The report will cover spending from March 2022 to March 2023. Cities who have not spent any ARPA funds as well as cities that have exhausted their ARPA funds will still need to complete the report.

continued

Energy

Energy project siting legislation governs city participation

Contact: Brandy DeLange, Brianna Morin

Clean energy project siting is the subject of **HB 1216**, introduced earlier this session by Rep. Joe Fitzgibbon (D-Burien). A Governor request legislation, the bill intends to require and facilitate better coordinated, faster environmental review and permitting decisions on energy projects of statewide significance. AWC wrote about the bill as introduced here (<https://wacities.org/news/2023/01/16/clean-energy-siting-coordinating-council-established-in-new-bill-contact-awc-with-your-feedback>).

Moving through the House Chamber, **HB 1216** has been significantly amended after receiving substantial input from a diverse group of stakeholders and concerned citizens. Of specific interest to cities, Sec. 207 (previously Sec. 209) pertains to local jurisdiction agreements. It was updated according to the following:

Cities and counties with clean energy projects that are determined to be eligible for the fully coordinated permit process must enter into an agreement with the Dept. of Ecology or with the project proponents for expediting the completion of projects.

"Expedite" means that a county or city will develop and implement a method to accelerate the process for permitting and environmental review. Expediting should not disrupt or otherwise delay the permitting and environmental review of other projects or require the county or city to incur additional costs that are not compensated.

A fully coordinated permit process also means that the city must:

- Coordinate with Ecology.
- Conduct an environmental review in alignment with the work plan.
- Expedite permit processing for the design and construction of the project.
- Expedite environmental review processing.
- Expedite processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project.
- Develop and follow a plan for consultation with potentially affected federally recognized Indian tribes.
- Carry out other actions identified by Ecology as needed for the permitting process.

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Other changes addressing rural community impacts were made:

- The Department of Commerce must consult with rural, agriculture, and forestry stakeholders to consider the benefits and impacts of changes in the state's energy system to rural Code communities.
- Commerce must complete a report on rural clean energy and resilience that examines the impact of energy projects in rural areas. Specifically, the report must examine effects on local tax revenues and public services, including public safety, the 911 emergency communications system, mental health, criminal justice, and rural county roads.
- The Joint Committee on Energy Supply and Energy Conservation and Energy Resilience must consider policy or budget recommendations to reduce impacts and increase benefits of the clean energy transition for rural communities, including mechanisms to support tax revenues and public.

Finally, the substitute bill includes a definition of “reasonable costs” to clarify the division of costs among public agency participants. Reasonable costs are “direct and indirect expenses incurred by the Department of Ecology, participating agencies, or local governments in carrying out the coordinated permit process... including the initial assessment, environmental review, and permitting.” The term “includes work done by agency or local government staff or consultants... to carry out the work plan.” These costs “may also include other costs agreed to between the applicant and the department of ecology, participating agencies, or local governments.”

HB 1216 was passed out of the House Appropriations Committee last week and heads next to the House Rules Committee.

continued

Environment & natural resources

Hold producers accountable for the packaging they send into our state

Contact: Carl Schroeder, Shannon McClelland

The bill that adds consumer brand owners as those responsible for funding the recycling and management of consumer packaging in our state has passed the committee hurdles. Washington is one step closer to becoming the fifth state to pass an extended producer responsibility (EPR) law for packaging. Consumer brand companies are responsible for the packaging they send into California, Oregon, and British Columbia—let's make sure Washington residents aren't left out!

The Washington Recycling and Packaging (WRAP) Act bills, **HB 1131** and its companion **SB 5154**, continue to mirror each other after committee amendments in each chamber; however, it appears the House version will be the vehicle that the Legislature will focus on. Thirty-three legislators have signed on to sponsor this game-changing policy—AWC greatly appreciates their leadership.

The bill is complex, and it needs to be to ensure that the new producer-funded program can coexist and coordinate with those currently responsible for managing all this packaging—local governments and solid waste collection and processing companies operating in this state. We also need to ensure producers are held accountable to meet recycling collection targets, and that the plan they submit to Ecology for review ensures that all residents of our state can recycle as easily as they can purchase.

For all of those who attended City Action Days, hopefully you had a chance to share the following handouts with your legislators (they went like hot cakes!):

- WRAP Act handout with key provision (https://wacities.org/docs/default-source/legislative/010323wrapactfactsheet.pdf?Status=Master&sfvrsn=a6ef264f_3)
- Benefits of the WRAP ACT for local government fact sheet (https://wacities.org/docs/default-source/legislative/022723wrapactbenefitsfactsheet.pdf?Status=Master&sfvrsn=403d264f_3)
- WRAP ACT EPR outreach fact sheet (https://wacities.org/docs/default-source/legislative/022723wrapactoutreachhandout.pdf?Status=Master&sfvrsn=683d264f_3)

There are two ways you can support the WRAP Act to pass the House by the March 8 deadline:

1. Send your comments and your position on this bill directly to members in your legislative district by commenting here (<https://app.leg.wa.gov/pbc/bill/1131>).
2. Use our legislative directory (<https://wacities.org/Advocacy/legislator-directory>) to reach out to your House delegation and send them links to the above handouts.

Talking points:

- Every state study in recent memory points to EPR for packaging as the solution to modernize our recycling system.
- This bill has been worked and reworked by stakeholders over the last few years. It's not perfect but it reflects compromises on all sides. It's ready.
- On behalf of cities across the state and the residents who fund our recycling system, we ask you to carry this proposal across the finish line in 2023.

continued

General government

Problematic and expensive police liability bill advances

Contact: Candice Bock, Matt Doumit

A bill that will significantly increase liability risk for cities managed to pass out of the House Appropriation Committee ahead of last Friday's fiscal committee cutoff deadline. AWC continues to need your help to convince legislators to not pass this damaging bill out of the House.

Readers will recall that **HB 1025** eliminates qualified immunity for state and local law enforcement, greatly increasing cities' exposure to claims against officers and city police departments. The current version of the bill creates a new civil cause of action against police and police departments for officer conduct that is found to violate the state constitution, state immigration enforcement statutes, and state use of force statutes. Police departments would also be on the hook for negligent hiring or retention of problem officers unless they could show they had a disciplinary action against the officer reversed by an arbitrator or court.

The bill also provides several defenses to an action that police can use, including that the officer's conduct followed established department policy. It also provides departments with the defense that their practices were in compliance with state Criminal Justice Training Commission practices and procedures, and that a policy was in compliance with certain Attorney General's Office model policies. There is some concern from cities that this could create a new legal wrinkle when a city has a policy that is more restrictive than the model policy, opening the city up to additional liability just because the city's policy is different than the AGO model policy.

Another area of concern is that claims made under HB 1025 would not be subject to the "felony bar" defense, where police generally have a complete defense from torts claims by people who were injured by law enforcement activities while they were committing a felony.

The House Appropriations Committee passed the bill out on a 19-12 vote. It is now in the House Rules Committee to be considered for addition to the calendar for a House floor vote ahead of next week's House of Origin Floor cutoff deadline (<https://leg.wa.gov/legislature/pages/cutoff.aspx>) on March 8.

AWC remains opposed to **HB 1025** and will continue to make sure legislators are aware of the damaging liability increases this bill could bring down on cities across the state. Cities still have opportunities to stop this bill if they continue to reach out to the legislature about their concerns. **Please continue to reach out to your House members to let them know about your city's opposition to HB 1025.**

You can find your legislator's contact information on AWC's legislative directory (<https://wacities.org/advocacy/legislator-directory>). When you contact your House members, remember to mention:

- **HB 1025** will encourage lawsuits against cities, regardless of merit, because of the high likelihood of plaintiffs getting an out-of-court settlement.
- **HB 1025** will drive up settlement expenses, as many cities will choose to settle claims, regardless of merit, rather than take on expensive litigation or risk paying exorbitant attorney fees.
- **HB 1025** will drive up city liability insurance costs (or insurers could refuse to cover cities altogether), as insurers weigh the new risk to police departments. Washington already has one of the most plaintiff-friendly government liability systems and many cities are already have experiencing increasing costs for insurance.

continued

HR & labor relations

Bill banning hiring discrimination against cannabis users passes Senate

Contact: Candice Bock, Matt Doumit

A bill that bans employers from refusing to hire a job candidate for lawful cannabis use passed the Senate. The bill now heads to the House for consideration.

We originally wrote about **SB 5123** in January, which you can read here (<https://wacities.org/advocacy/News/advocacy-news/2023/01/06/senate-bills-on-employee-records-and-discrimination-in-hiring-for-cannabis-use-up-for-hearings-in-week-1>). Starting in January 2024, the bill prohibits an employer from “discriminating against a person in the initial hiring” for the job candidate’s off-the-job, out-of-the-workplace cannabis use or for failing an employer-required drug test for cannabis. It also provides a number of exemptions from the cannabis discrimination ban including positions that require a federal background check and maintaining employer rights and obligations to maintain a drug and alcohol-free workplace.

The bill received amendments in the Senate Labor & Commerce committee that clarified that it only applies to drug testing pre-employment, and not other testing done after hiring as part of an accident investigation or suspicions of an employee’s impairment. The committee amendments also added that the cannabis discrimination ban does not preempt other state or federal laws requiring certain job applicant testing for controlled substances, or if testing is necessary to receiving federal funds, federal licensing, or federal contract.

On the Senate floor, the bill was amended again to provide a broad exemption for “safety sensitive positions” where cannabis impairment presents a substantial risk of death. The amendment requires such “safety sensitive” positions to be identified as such by the employer before an applicant applies for the job.

The final version of the bill passed off the Senate floor on a 28-21 vote. It now heads to the House for consideration, likely after next week’s house of origin cutoff (<https://leg.wa.gov/legislature/pages/cutoff.aspx>).

continued

Bill on sharing personnel records with employees amended, voted out of committee

Contact: Candice Bock, Matt Doumit

A bill to require employers to share a wide range of personnel records with current and former employees was amended and passed out of the House Appropriations Committee on Friday ahead of the fiscal committee cutoff deadline.

HB 1320, sponsored by Rep. Julia Reed (D–Seattle), is a companion to **SB 5061** (we wrote about these here), and requires employers to turn over a complete, unredacted copy of an employee’s personnel records at no cost on request by a current or former employee or other specified representative within 14 calendar days of the request. Former employees can also request a statement of discharge, including the reasons for discharge, from their former employers, who also have 14 calendar day timeline to reply. The bill specifies that “personnel files” include job application records, performance evaluations, disciplinary records, medical records, leave records, reasonable accommodation records, payroll records, and employment agreements, among other records.

It also clarifies that public employers should, unless specifically requested, address records requests by the employee for their own personnel file as made under the bill and not the Public Records Act (PRA). The bill also creates a private cause of action for employees and former employees to enforce access and establishes various statutory damages as penalties for various degrees of violations.

The bill was amended on its way out of the House Appropriations Committee. The amendments include (among other things):

- Clarifying that public employers can make certain redactions to the personnel file that would otherwise be required by the PRA, including names of complainants, accusers, and witnesses in connection to investigations of unfair labor practices, anti-discrimination laws, or employer’s internal policies on discrimination and harassment.
- Providing that if there is a conflict between the bill and an existing collective bargaining agreement (CBA), the parties are not required to reopen the CBA to apply the bill until the CBA expires or is otherwise reopened by the parties.

SB 5061 did not advance from the Senate Ways & Means Committee ahead of the fiscal committee cutoff and is likely dead for the session.

The amendments to **HB 1320** still don’t address the fairly short timelines for employers to provide records under the bill, which is a concern for smaller cities that may not have the staff to quickly process a large number of records requests. AWC will continue to work on the bill as it advances.

continued

Human services

This was a big week for behavioral health resources

Contact: Lindsey Hueer, Katherine Walton

Two bills make significant progress this week that will promote behavioral health resources in Washington.

HB 1134, sponsored by Rep. Tina Orwall (D–Des Moines), creates additional supports for the current 988 behavioral health crisis response and suicide prevention system (<https://doh.wa.gov/you-and-your-family/injury-and-violence-prevention/suicide-prevention/988-suicide-and-crisis-lifeline>), created by the Federal Communications Commission (FCC) in 2020. In 2021, the Washington Legislature passed **HB 1477** to support the 988-line plus enhance and expand behavioral health crisis response and suicide prevention services. This bill establishes liability protection for several entities and personnel for activities related to the dispatching decisions of the hotline and the transfer of calls between 911 and 988. The bill also creates an endorsement for 988 rapid response crisis teams that meet standards and a grant program to support them. This bill was passed out of the House Appropriations Committee last week. AWC supports expansion of the 988-line to provide cities with a more robust service for their residents.

SB 5120, sponsored by Sen. Manka Dhingra (D–Redmond), would direct the Department of Health (DOH) to license or certify 23-hour crisis relief center. These centers would be a new type of crisis diversion facility which offers access to behavioral health care to adults and accept all behavioral health walk-ins and drop-offs from first responders. This bill was passed out of the Senate Ways & Means Committee last week. While SB 5120 does not build these facilities, AWC supports this important first step to expanding crisis behavioral health treatment services.

Behavioral health is a top priority (https://wacities.org/docs/default-source/legislative/factsheetbehavioralhealth2023.pdf?sfvrsn=ad3d254f_6) for Washington cities this legislative session. In 2022, nearly a quarter of adults with mental illness in Washington state said that they were not able to receive the treatment they needed. Cities are not traditionally direct service providers yet are often tasked with finding solutions for the impacts of the lack of available services.

Additionally, **SB 5536**, the current *Blake* bill brings with it substantial behavioral health investments for those with behavioral health issues that are involved in the criminal justice system. AWC wrote about the first substitute version (<https://wacities.org/advocacy/news/advocacy-news/2023/02/10/one-blake-bill-to-move-forward>) a few weeks ago.

continued

Eligible cities have April 18 deadline to join the five new opioid settlements for a portion of \$217 million

Contact: Sheila Gall, Katherine Walton

Cities that qualify to join the five new opioid settlements should have been contacted recently by the settlement administrator with instructions and settlement documents. These settlements are in addition to the distributor settlement funds eligible cities began receiving in December last year.

The settlement documents, as well as information about the settlement and process, can be found on the Attorney General's Opioid Pharmacy & Manufacturer Settlement website (<https://www.atg.wa.gov/opioid-pharmacy-manufacturer-settlements>).

The deadline for cities to join the five settlements to receive a portion of up to \$217 million for eligible local governments is April 18, 2023.

Like the distributor settlements, the funds must be used for opioid use abatement purposes set out in the agreements.

Resources

AWC was recently joined by Jeff Rupert from the Attorney General's Office (AGO) and David Ko from Keller Rohrbach L.L.P. who provided details on the new settlements process and answered cities' questions about the new settlement agreements and participation deadlines. Watch the recording (<https://vimeo.com/798557177>) and take a look at the presentation slides (https://wacities.org/docs/default-source/event-materials/021323newopioidsettlementsppt.pdf?Status=Master&sfvrsn=ff35264f_3).

More information and documents regarding these settlements can be found on the national settlement website (<https://nationalopioidsettlement.com/>).

If you have questions about the settlements or the process to join the settlements, please visit the AGO's website (<https://www.atg.wa.gov/opioid-pharmacy-manufacturer-settlements>) or contact Jeff Rupert, the Division Chief for the AGO's Complex Litigation Division at jeffrey.rupert@atg.wa.gov and comopioidscases@atg.wa.gov.

Other information

The State Auditor's Office (SAO) has recently updated this helpful guide (https://sao.wa.gov/bars-coding-for-revenue-received-from-state-opioid-lawsuit/?utm_source=newsletter&utm_medium=email&utm_campaign=bars-coding-update-opioid) on accounting for revenue received from the opioid lawsuits.

Please note that AWC is facilitating the sharing of information between the AGO and cities. AWC is not part of the litigation and does not have a position on the pending litigation or the settlement offers. The information contained in these materials is for informational purposes and should not be considered legal advice. Each city will need to determine its own course of action in consultation with its legal counsel.

continued

Land use & planning

Support the annexation funding bill to pass out of the House

Contact: Carl Schroeder, Shannon McClelland

What is old is new again. A bill to re-institute the annexation sales tax credit to provide resources to facilitate and incentivize annexations awaits being pulled to the House floor for a vote. This bill came out of the GMA Collaborative Roadmap process and was recommended unanimously.

HB 1425 applies to all cities and counties and is triggered by an inter-local agreement between a city and county. Cities can receive:

- 1/10th of one percent sales tax credit for annexations of more than 2,000 in population but less than 10,000.
- 2/10th of one percent sales tax credit for annexations of more than 10,000 in population.

The bill has been amended twice. The as-passed committee version:

- Requires an interlocal agreement for annexed areas in which a sales and use tax is imposed to address certain criteria regarding loss and gain of revenue, development and ownership of infrastructure, and revenue-sharing agreements.
- Removes the requirement that a city commence annexation prior to January 1, 2015, to be eligible for the sales and use tax credit for annexed areas.
- Adds an ending date to impose the tax of July, 1, 2028.

All revenue collected under this sales tax credit may only be used to provide, maintain, and operate municipal services for the annexation area.

Here are two ways you can lend your support for this bill before the House deadline of March 8:

3. To send your comments (<https://app.leg.wa.gov/pbc/bill/1425>) and your position on this bill directly to members in your legislative district, comment here.
4. To send a personal note or call, use our legislative directory (<https://wacities.org/Advocacy/legislator-directory>) to reach out to your House delegation.

Talking points:

1. The Legislature is extremely focused on housing this year, and this is a tool that will help bring more land into cities so it can be more densely developed.
2. This builds on a great annexation method that pushes for coordination and cooperation among cities and counties.

continued

Public safety & criminal justice

Blake bill passes out of fiscal committee with modifications

Candice Bock, Lindsey Hueer, Katherine Walton

SB 5536, continues to be the vehicle for a long-term solution to the issue of drug possession law following the *State v. Blake* case in 2021. The bill makes knowing possession of a controlled or counterfeit substance a gross misdemeanor and continues to promote a pretrial diversion program option to divert those willing and able to engage in drug treatment and services. The bill passed out of the fiscal committee last week and is now making its way to the Senate Floor.

The bill has been amended throughout the legislative process and was recently amended in the Senate Ways & Means Committee. Amendatory provisions of note include:

- Removing the statewide preemption of drug paraphernalia regulation.
- Clarifying that public defense attorneys may seek to resolve drug possession charges through a therapeutic court instead of pretrial diversion.
- Requiring a substance use disorder evaluation within seven days and for the evaluation to be provided at no cost and in an accessible location to indigent defendants, the costs of which would be reimbursable to the court by the state.
- Providing WASPC \$3.6M to administer community grants to provide behavioral health interventions and services and an additional \$2.5M for ongoing Law Enforcement Assisted Diversion grants, subject to appropriation in the state budget.
- Requiring the Washington State Patrol forensic laboratory to complete tests of drugs in possession cases within 45 days.
- Requiring the court to sentence individuals with a simple possession charge who don't comply with treatment to no less than 21 days in jail.

AWC supports **SB 5536** because it balances accountability with treatment for people suffering from substance use disorders and unmet behavioral health needs.

According to the Pew Research Center (<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/02/over-1-in-9-people-with-co-occurring-mental-illness-and-substance-use-disorders-arrested-annually>), more than 1 in 9 adults with co-occurring mental illness and substance use disorders are arrested annually. The current system is clearly not working. In order to work, and for the bill to be implementable by local governments and service providers, there needs to be substantial investments from the state.

Meanwhile, **HB 1492** aims to address the continued fallout from the Blake case and affected criminal convictions. If enacted, the bill's impact on cities is as follows:

- Municipal court clerks would be required to work with AOC to establish prioritized list of convictions needing to be vacated.
- Prosecutors must file a motion to vacate the conviction.
- The clerk would be required to conduct a search as to all legal financial obligations (LFO's) collected by the jurisdiction and a collection agency.
- In some circumstances, indigent defense counsel would need to be provided, with costs paid for by the state.

AWC testified in opposition to the bill due to the prescriptive nature of the requirements and the burden it would place on municipal courts. While we sincerely appreciate the legislature's funding of \$21.5 million dollars in the 2022 budget to offset the costs of repaying LFO's and vacating criminal convictions, unfortunately **HB 1492** adds additional burdens on cities that lack dedicated, ongoing resources to do this work on our own. We continue to support continued state funding for the important work that is already occurring at the local level and ask the legislature not to add these new burdens.

The bill now awaits action on the House floor.

continued

Vehicular pursuits bill passes out of House Transportation Committee

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

HB 1363 faced a mixed vote and continues to face a tough road ahead. **AWC urges cities to continue to reach out to your legislators and ask them to support this bill.**

The current version of the bill includes a sunset provision for July 1, 2025. While this means the debate will resume in Olympia in two years, the bill still does provide immediate action and allows for two years to collect data demonstrating that this fix works.

The bill would allow vehicular pursuits when there is reasonable suspicion that a person in the vehicle has committed or is committing one of the following crimes:

- A violent offense
- A sex offense
- A vehicular assault
- Assault involving domestic violence
- An escape
- A DUI

HB 1363 would limit vehicular pursuits to situations when the person being pursued poses a serious risk of harm to others and is necessary for the purpose of identifying or apprehending the person being pursued. Additionally, the amended bill requires jurisdictions with 10 or more commissioned officers to notify and coordinate with a supervising officer. Jurisdictions with less than 10 commissioned officers would be required to notify the on-call supervisor.

HB 1586 also passed out of the House Appropriations Committee last week. The bill would require the Criminal Justice Training Commission (CJTC) to convene a work group to develop legislative policy recommendations related to vehicular pursuits. The bill also creates a vehicular pursuit technology grant program for local law enforcement agencies. No action was taken on **SB 5533**, which would have created a model policy as well as a grant program.

Dates to remember

HB 1363 needs to pass the full House before the March 8 house of origin cut-off deadline.

continued

Bill limiting use of traffic stops for non-moving violations passes out of House Transportation Committee

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

A bill to limit the type of allowable traffic stops squeaked through the House Transportation Committee last week. **HB 1513**, sponsored by Rep. Chipalo Street (D) proposes to limit police officers' use of traffic stops and detentions for non-moving violations as a primary offense, and specifies additional process requirements for traffic stops.

HB 1513 limits stops for these non-moving violations:

- Driving with a suspended or revoked license
- Hauling and vehicle equipment
- Lighting devices (headlights, brake lights, etc.)
- Hydraulic brake fluid
- Safety requirements for air conditioning equipment
- Arrest and prosecution without a warrant
- Any stops to check a driver's license or inspect a vehicle

The bill would allow for traffic stops for these as primary offenses:

- Moving violations as currently defined in WAC 308-104-160
- Improper use of warning lights
- License plates that do not match the vehicle registration
- Equipment failure that poses an immediate or serious threat to safety
- Driving while license is suspended or revoked
- A misdemeanor warrant for driving under the influence
- Domestic violence violation
- Civil court order

Additionally, the bill would require officers to obtain written consent before searching a vehicle or passengers. Additionally, officers would be required to prepare a detailed report for each stop or detention.

The bill also creates a grant program focused on interventions for non-moving violations for low-income road users.

AWC testified with concerns on this bill, as there are multiple ambiguities and questions about the impact of this bill. AWC expressed an interest in seeing use of seatbelts added as a moving violation since they are currently considered an equipment failure issue and, as such, categorized as a non-moving violation. The bill proponents indicated support for this clarification as the bill advances. Additionally, AWC expressed concern that this bill would remove the incentive for people to renew and pay their vehicle license fees (car tabs) because having expired tabs would be considered a secondary offense. There was a misconception by some that tickets for secondary offenses could be mailed to the owner of a vehicle, but the bill language doesn't currently allow for that.

We would appreciate your feedback on **HB 1513**. Please contact Candice Bock or Lindsey Hueer.

continued

Public works & infrastructure

Apprenticeship utilization expansion amended, improved for cities

Contact: Brandy DeLange, Brianna Morin

After active stakeholder engagement that included AWC staff, we are happy to report a small win for cities in an update to legislation affecting municipal public works requirements.

As originally introduced, **HB 1050** requires contractors hired for municipal public works projects estimated to cost \$1,000,000 or more to have at least 15% of the labor hours performed by apprentices. The bill also requires subcontractors for public works projects with a subcontract of \$200,000 or more to have at least 15% of the labor hours performed by apprentices. View our coverage of the bill here (<https://wacities.org/news/2023/01/13/workforce-development-a-top-priority-for-the-legislature-as-it-eyes-requirements-to-expand-apprentice-utilization-in-public-works-contracting>).

HB 1050 has since been amended to include the following changes:

- Adjusts the initial subcontract price from \$200,000 to \$350,000 or more to require subcontractors to include specifications that no less than 15% of the labor hours be performed by apprentices.
- Exempts public housing authorities from the apprenticeship utilization requirements.
- Changes the responsibility of providing information and technical assistance on apprenticeship utilization reporting from the Dept. of Enterprise Services (DES) to the Department of Labor and Industries.
- Clarifies that DES will continue to be responsible for providing sample contract language and contract administration advice pertaining to apprenticeship requirements.
- Adds language that no contractor or subcontractor is accountable for or vicariously liable for the failure of any other contractor or subcontractor to comply with the apprenticeship utilization requirements.
- Adds the ability for municipalities to adjust the requirements for a specific project based on other criteria the municipality deems appropriate. The other criteria are subject to review from the municipality's legislative authority.

Thank you to those cities that provided feedback on this legislation and to the bill sponsor for working with AWC on some of our concerns.

HB 1050 is scheduled to be heard in the House Rules committee for review.

continued

Prevailing wage proposal fails to make cutoff in one bill, makes it past deadline in another

Contact: Brandy DeLange, Brianna Morin

Regular *Bulletin* readers will remember a proposal introduced this session seeking to ensure workers are paid the prevailing rate of wage in effect at the time the work is performed. **HB 1099**, from Rep. Liz Berry (D–Seattle), would require that wages paid to workers on public projects be adjusted in accordance with prevailing wage adjustments made since the time a bid was submitted. AWC wrote about the bill here (<https://wacities.org/news/2023/01/16/prevailing-wage-proposal-with-impacts-for-cities-picks-up-its-pace>).

The bill made it as far as the House Capital Budget Committee but was not heard in executive session and therefore “died.” Cities would ordinarily be able to emit a sigh of relief, but not in this case. Elements of **HB 1099** have been included in a Senate bill introduced by Sen. Curtis King (R–Yakima).

SB 5726 addresses how the prevailing wage rate is set and contested under certain conditions, and when it is updated within a public works contract. It also provides that public works contracts must specify that wages paid to workers will be no less than the latest prevailing wage rate in effect at the time the work is performed. AWC summarized the bill here (<https://wacities.org/news/2023/02/10/separate-prevailing-wage-proposals-reappear-combine-in-a-new-bill-with-major-impacts-for-cities>).

It has since received several amendments, including:

- Small works roster work, and low-income housing and residential construction projects are excluded from the requirement that workers be paid the prevailing wage in effect at the time the work is performed.
- The provision stating that any cost increase must be the basis for equitable adjustment for the contractor is removed. Instead, cost increases directly resulting from wage adjustments of the prevailing wage under the bill are a good cause justification for a contractor of any level affected by the increase to request a financial adjustment to the contractor's contract.
- The bill's changes to prevailing wage determinations are delayed until June 1, 2027.

SB 5726 successfully passed out of the Senate Labor & Commerce Committee last week. It now awaits a hearing in the Senate Rules Committee.

AWC continues to engage with proponents to address concerns originally raised in **HB 1099**. It is likely that amendments addressing those concerns will be provided once the bill makes it to the House.

continued

Transportation

Jaywalking bill tempered somewhat to address safety concerns, passes out of committee

Contact: Brandy DeLange, Brianna Morin

A bill to decriminalize jaywalking and reduce profiling of people of color and of low socio-economic status was amended last week in response to a strong set of stakeholder voices expressing reservations with the proposal.

SB 5383 allows pedestrians to cross a roadway at any point unless a “reasonably careful person would realize there is an immediate danger of a collision” with a moving vehicle. AWC wrote about the House version of the bill here.

Proponents have amended the bill, partly in response to concerns raised by AWC regarding safety, liability, and definitional clarity. We now ask cities to review the amendment and provide comment no later than February 28.

Below is a summary of the changes made to bill:

- Limits legal jaywalking to roads with a posted speed of 45 mph or less.
- Restores the prohibition that a pedestrian cannot suddenly leave a curb to move into the path of an oncoming vehicle.
- Restores the prohibition that pedestrians may not cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.
- Requires the Administrative Office of the Courts to annually report jaywalking infraction data.

SB 5383’s next stop is the Rules Committee, which it must pass before moving to the House for consideration.

Autonomous vehicle proposal parked, for now

Contact: Brandy DeLange, Brianna Morin

SB 5994, from Sen. Matt Boehnke (R–Kennewick), establishing the rules and regulations governing the operations of fully autonomous vehicles (AVs) in Washington, took a spin around the track before heading back to the garage for repairs.

The bill outlines the conditions under which people may operate fully autonomous vehicles without a human driver on the state’s public roadways and includes significant preemption of city authority. AWC summarized the bill here (<https://wacities.org/news/2023/02/06/washington-sets-rules-of-the-road-for-fully-autonomous-vehicles>).

SB 5594 was heard in the Senate Transportation Committee earlier this month but was not considered in the committee’s executive session. Thus, the bill failed to pass the required deadline to continue its path through the Legislature.

Given the growing popularity and need for electric vehicles and the impending presence of AVs on our state’s roads, AWC expects **SB 5994** to be one among multiple proposals regarding the governance of AVs to come.

continued

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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