



Legislative bulletin

March 27, 2023

Hot topics

Act now! Police pursuits bill scheduled for vote in House committee

Contact your legislators before Tuesday's critical vote and sign on to AWC's letter by the end of day Thursday. Now is a crucial time for cities to reach out to their legislators with support for changes to restrictions on police pursuits. **SB 5352** would allow law enforcement to engage in police pursuits with a "reasonable suspicion" standard in certain situations while balancing the inherent risk of pursuits. House members need to hear from cities that **SB 5352** represents important incremental progress in revising the restrictions, and how the current law is negatively impacting public safety.

It's budget season, starting with Senate operating & capital budget proposals

On March 23, the Senate released its \$69.2 billion operating budget proposal for FY 2023-25. Overall, it includes several new investments in city programs, including housing and substance use treatment items necessary to implement *State v. Blake*. The capital budget proposal released on March 20 provides \$400 million for the Public Works Assistance Account, allowing the sunset of the multiyear revenue diversion to education, and makes investments in affordable housing. The House budget proposals are slated for release today, Monday, March 27.

Middle housing density bill clears another hurdle

With one month to go, one of the primary bills for increasing density in cities by mandating middle housing authorization continues to move forward. **HB 1110** passed out of the Senate's policy committee with few substantive changes. Next stop: Senate Ways & Means Committee, where the bill may receive its final tune up before coming for a vote.

Media time

AWC public opinion survey results

In December 2022, AWC conducted a public opinion survey to gauge our communities' opinions. The survey identifies where residents' concerns land and outlines some pressing issues for cities to focus on throughout the state. Read a snapshot of what we learned along with charts and graphics that present the findings.

View from the hill

The final four...weeks of session

Your NCAA bracket may be busted, but you can still be part of the final four with one month of session left on the clock. AWC priorities are still in the game and important budget investments for cities are under consideration. Don't miss your shot to talk to your legislators about proposed legislation to revise police pursuits, clarify drug possession laws post-*Blake* decision, expand housing affordability and availability, fund infrastructure, and invest in behavioral health needs. Track the bills we're focused on with this week's Hot Sheet. Let's wrap up this March madness in strong form and make these last four weeks a slam dunk!

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.

Action items

Register for Small City Connectors

May 11 | Millwood

May 12 | Soap Lake

May 25 | Cosmopolis

June 1 | La Conner

Small cities—it's time to connect! Join your fellow small city and town leaders from across the state for an evening of food, in-person networking, and discussion. Small City Connectors provide city leaders with a unique opportunity to meet with peers, share best practices, and discuss common challenges. Register today!

Submit an AWC Annual Conference session proposal

Annual Conference is coming up quickly in Spokane this June 20-23. Do you have an idea for a conference session? We want to hear about your city's stories, programs, and partnership innovations. Your perspective could educate and inspire hundreds of other elected officials, city department directors, staff, and decision-makers. Sessions should be educational, address critical city issues, and provide resources for attendees to take back to their communities. Final review of proposals takes place in late April. Learn more about the selection criteria and submit your session proposal soon!

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What you need to know

Broadband & telecommunications: Washington may not see a state broadband map any time soon, given recent amendments to House broadband bill. HB 1746 recently took a significant turn, with a new intent section and a shift in focus for the State Broadband Office.

General government: Senate moves forward on Voting Rights Act expansion without AWC amendments. HB 1048, amending the Washington Voting Rights Act, was voted out of committee last week without AWC's proposed amendments to protect cities from extraordinary costs.

HR & labor relations: HR & labor bills seeing action as second policy cutoff approaches. Several bills are seeing action, or are scheduled for action, ahead of Wednesday's opposite house policy cutoff.

L&I moving ahead with permanent outdoor heat exposure rulemaking. L&I started the rulemaking process for permanent ambient heat exposure rules for outdoor workers, after two years of temporary emergency rules. L&I is accepting comments on the draft rules until May 11.

Public safety & criminal justice: Blake bill scheduled for committee vote in the House. The House Community Safety, Justice, & Reentry Committee heard over two hours of testimony last week on **SB 5536**. AWC thanks the many mayors and city officials who took time to participate in the hearing.

Public works & infrastructure: There's still time: express your support for procurement standards bill scheduled for Tuesday. If you missed the chance to communicate your position on **HB 1621** last week, it's not too late; but time is running short.

Prevailing wage bill rescheduled for hearing this week – express your concerns to legislators now. Last week, we encouraged cities to tune into the activity around **SB 5726**. The bill has since been rescheduled to Tuesday. Take this chance to weigh in.

AWC still working to refine apprenticeship utilization proposal as it nears its end goal. We've proposed a stairstep approach to **HB 1050**, along with other implementation recommendations for L&I.

Transportation: Keep pace with the transportation bills rolling through the Legislature. From impact fee revenue use to freight mobility, bridge jumping, and revenue forecasting, we're covering the transportation issues important to cities.

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Affordable housing

Middle housing density bill clears another hurdle

Contact: Carl Schroeder, Shannon McClelland

With one month to go, the poster child for increasing density in cities by mandating middle housing authorization, **HB 1110**, continues to move forward. The bill passed out of the Senate's policy committee with few substantive changes. Next stop – Senate Ways & Means Committee, where the bill may get its final tune up before coming for a vote.

Here's what changed:

- Permissive authority for cities to allow accessory dwelling units (ADU) to meet the density requirements; however, cities must still allow six of the nine types of middle housing to meet the density requirements. It's unclear, as drafted, how the middle housing mandate and the permissive authority grant a city the option of having ADUs meet the requirements. We are working on refinements to clarify that cities are not required to allow ADUs (or middle housing types) beyond the density requirements.
- Only administrative design review, as defined in the bill, is authorized for middle housing.
- Under the alternative option for cities under 75,000 and within the contiguous urban growth area of the largest city, the walking distance to a major transit stop was changed from a ½ mile to a ¼ mile.
- Removes density around a "community amenity" from the alternative compliance options to align with its previous removal in the mandated density section.
- Allows cities complying with the density requirements to postpone compliance with two aspects of **HB 1220** (2021) requirements until June 30, 2034. The postponed provisions are as follows:
 - To identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions; and
 - If in compliance with the transitional, supportive and shelter housing requirements from 2021 (RCW 35A.21.430 or 35.21.683), to make adequate provisions for existing and projected needs of all economic segments of the community, including:
 - (i) Incorporating consideration for low, very low, extremely low, and moderate-income households;
 - (ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;
 - (iii) Consideration of housing locations in relation to employment location; and
 - (iv) Consideration of the role of accessory dwelling units in meeting housing needs;
- Cities must still comply with the rest of the requirements, including identifying areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments, including the required zoning mandate in the bill.
- An extension approved by Commerce for lack of water supply must be based on water system plans.

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Here's what didn't:

- Despite the title and intent section, the bill still applies to every residential lot rather than focus on lots zoned for single-family detached housing.
- Statutory definitions for middle housing that will conflict with those already in city ordinances, adding additional costs to the code updates with no public value. AWC continues to request the definition of middle housing to focus on number of units and design rather than defined "types."
- Requiring exactly six of the nine types of middle housing to be authorized which is infeasible for lower density areas, based on the definitions provided in the bill. Simply requiring middle housing to be authorized would suffice.
- Speaking of requiring middle housing, work is still needed to ensure that the bill will not act as a downzone around transit assets, where cities have created zones to provide and encourage more than a sixplex. Even the alternative option prohibits a city from including transit areas in the 25% of lots not impacted by the bill. Again, requiring middle housing on lots zoned for single-family detached housing would address this issue.
- Overly prescriptive language on development regulations that treats multi-unit residential housing the same as single-family detached housing.
- Parking restrictions
- Lot splitting issue that we highlighted in the last article (<https://wacities.org/advocacy/news/advocacy-news/2023/03/11/both-major-housing-density-bills-receive-an-early-hearing-in-opposite-chamber>).
- Although the bill purports to increase density, cities can't count the density that occurs from these substantive changes to the city landscape when they report on their growth targets (Section 6).

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Broadband & telecommunications

Washington may not see a state broadband map any time soon, given recent amendments to House broadband bill

Contact: Brandy DeLange, Brianna Morin

This year's broadband mapping proposal recently took a significant turn on its path through the Legislature, with a new intent section and a shift in focus for the Washington State Broadband Office (WSBO).

HB 1746 was heard in the Senate last week where a striking amendment (removing everything after the title and inserting a whole new bill) was introduced and approved. For background on the legislation's journey up to this point, read AWC's summaries of the bill as introduced (<https://wacities.org/news/2023/02/06/washington-may-soon-have-a-state-broadband-map-showing-high-speed-internet-coverage-statewide>) and the amended version (<https://wacities.org/news/2023/02/24/state-broadband-map-proposal-refined-expanded-passed-out-of-committee-on-unanimous-vote>).

The new intent section points to the policy goal of incentivizing "broader participation by those who own and operate broadband infrastructure in the state" to provide "key data to federal and state efforts." According to the amending language, more accurate and transparent federal broadband availability maps will create "market pressures on internet providers to improve their coverage" and assist policymakers in making more accurate "investments to expand broadband to... underserved areas" in the state.

The striker makes several changes to the legislation, including the following:

- WSBO is authorized, rather than required, to develop and maintain a state broadband map, subject to appropriations.
- On the other hand, WSBO must make certain efforts to improve federal mapping, including maintaining a license from the FCC for broadband deployment data and informing covered entities that they must submit mapping data to the FCC.
- An existing provider near a proposed project area may submit an objection to the project to WSBO if it has submitted specified broadband data to the Federal Communications Commission (FCC), rather than to WSBO, within the previous year.
- The Public Works Board (PWB) may prioritize applications that have submitted broadband mapping data to the FCC, rather than to the WSBO.
- Commerce, including WSBO, is no longer the single eligible entity in the state to engage in federal broadband mapping activities.
- WSBO is encouraged, rather than required, to use information collected to submit bulk challenges to the national broadband map.
- Covered entities are not required by the bill to submit data concerning broadband deployment to WSBO.
- Expenditures in the Statewide Broadband Account may also be used to improve accuracy of the national broadband map and submit challenges to the federal map.

AWC is supportive of efforts to improve and expand access to high speed internet in Washington.

HB 1746 passed out of the Senate Environment, Energy & Technology Committee last week as amended by a unanimous vote. It moves now to the Senate Rules Committee.

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Budget & finance

It's budget season, starting with the Senate Operating and Capital budgets for 2023-25

Contact: Candice Bock, Sheila Gall

The Senate operating budget (<https://fiscal.wa.gov/statebudgets/2023proposals/so2325bien>) proposal for 2023-25 was released on March 23 and heard in Committee the next day. The \$69.2 billion budget reflects the somewhat pessimistic budget forecast last week. Overall, it includes a number of new investments in city priorities, including housing and substance use treatment programs necessary for successful implementation of *State v. Blake*.

While some new criminal justice funding is available for specific programs, like co-responder programs, therapeutic court funding, and vehicle pursuit technology grants, it does not include continuation of the city criminal justice appropriation for implementation of the new laws passed in the last several years.

The reserves are projected to be \$3.8 billion for 2023-25.

The capital budget proposal released on March 20 provides \$400 million for the public works assistance account, allowing the sunset of the multi-year revenue diversion to education. Notably, it does not rely on the \$4 billion referendum for bond authority outside of the state debt limit to fund new housing that had been included in the Governor's budget proposal. Instead, it includes \$400 million for the Housing Trust Fund. We appreciate the very significant investments the Senate was able to make within existing resources, and we continue to express the need for additional ongoing dedicated resources for affordable housing if cities are to meet the projected 500,000 affordable units the state is directing cities to plan for.

Below are some highlights for city programs. For a more complete list of impacts, see the budget matrix (https://wacities.org/docs/default-source/legislative/2325budgetmatrix261a452a-45d9-4c4a-8e18-4d66c8409449.pdf?sfvrsn=6081264f_6).

Operating budget

- Housing: \$580 million investment in housing programs, including:
 - \$120 million to transition those living in encampments to safer housing, requiring \$105 million to be used for those living on state-rights-of-way.
 - \$111 million to maintain or increase emergency housing and shelter capacity.
 - \$104 million for Housing and Essential Needs (HEN) program.
 - \$93 million for grants to support O&M costs of permanent supportive housing.
 - \$32 million for grants to local government to maintain programs impacted by loss of document recording fees. AWC's understanding is that this is still short of the projected downfall. If these funds are not backfilled, there will be a direct cut to local homelessness services around the state.
- Resentencing implementation of *State v. Blake*: \$11.5 million is provided to assist municipal courts, prosecutors, and defense counsel in resentencing impacted by the *Blake* decision and \$51.4 million to the Administrative Office of the Courts to operate a centralized statewide legal financial obligations (LFO) refund bureau. AWC has requested that the use of the \$11.5 million be expanded to include expenses related to **SB 5536** and *Blake* response.

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- Implementation of amendments to drug possession related to *State v. Blake* (**SB 5536**): \$55 million for substance abuse programs; \$15 million for grants for therapeutic courts.
- Basic law enforcement training (BLEA): Funds 23 BLEA classes in both 2024 and 2025, with at least three classes in Spokane each year, and four additional training classes each year in two regional locations.
- Alternative co-response teams: \$4 million for grants to cities to reimburse the cost of creating alternative response team programs.
- Funding for Commerce to develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.
- State shared revenues: Fully funds shared revenues at anticipated levels.

Capital budget

- \$400 million to the Public Works Assistance Account, which honors the sunset of revenue diversions to education, but continues the \$114 million diversion to the Move Ahead Washington transportation package passed last year.
- \$50 million for the State Broadband Office as a federal grant match for the Broadband Equity, Access, and Deployment (BEAD) state grants program.
- Significant additional investments in affordable housing construction and other housing needs:
 - \$400 million to the Housing Trust Fund
 - \$83.2 million for the Inflation Reduction Act HOMES Program
 - \$67 million for Housing Finance Commission Land Acquisition Program
 - \$50 million grants to match private investment for transit-oriented development

One new development since the March 20 revenue forecast is the March 24 Washington State Supreme Court’s decision (<https://www.courts.wa.gov/opinions/pdf/1007698.pdf>) upholding the capital gains tax passed in 2021 as constitutional and a valid excise tax. The decision will help budget discussions move forward because the revenue forecast (<https://wacities.org/news/2023/03/21/state-revenues-show-modest-decrease-in-march-forecast-as-budget-season-launches>) and the Senate budget both assumed that capital gains tax was constitutional and incorporated those revenues. The Department of Revenue began implementing the tax in February under a stay granted by the Supreme Court in January, and the tax deadline is April 18.

Watch for updates in AWC’s newsletters over the next week with the House proposed budgets scheduled for release Monday, March 27 at noon and the Senate transportation budget proposal on March 29.

Dates to remember

The Senate operating budget is scheduled for executive session in the Senate Ways & Means Committee on Monday, March 27 at 4 pm. The House proposed operating budget is scheduled to be heard in the House Appropriations Committee on Monday, March 27 at 4 pm.

continued

General government

Senate moves forward on Voting Rights Act expansion without AWC amendments to protect cities

Contact: Candice Bock, Katherine Walton

The Senate voted **HB 1048** out of committee last week without AWC's proposed amendments to protect cities from extraordinary costs.

The bill amends the Washington Voting Rights Act (WVRA) to make it easier for a plaintiff to bring a suit to court. **HB 1048** would allow a person or organization to be awarded up to \$50,000 for costs incurred prior to submitting their notice of intent to file a lawsuit against a local government alleging polarized voting if they prevail in court. AWC raised concerns about problematic changes that allows the court to award attorney fees and other reasonable costs for work prior to filing a claim with no cap on those costs even when a plaintiff doesn't prevail in a claim.

HB 1048 also gives standing to organizations and tribes to challenge election systems on behalf of at least one member residing within the jurisdiction.

AWC strongly supports voting rights and ensuring appropriate representation in all levels of government. However, we have concerns about the potential fiscal impact on cities related to the potentially unlimited recovery of costs in cases where a group does not prevail. We continue to try to minimize these impacts while supporting voting rights.

AWC has made numerous requests for an amendment to apply the \$50,000 cap on work conducted prior to the filing of a claim for these cases where a plaintiff doesn't prevail but can demonstrate that they had an impact on the jurisdictions behavior and voting practices. We also requested amendment language to better clarify this circumstance of a plaintiff not prevailing in court but proving that they altered a jurisdictions behavior. Unfortunately, those requests were rejected.

Cities should spend some time reviewing the VRA and this legislation to understand how it could impact them and where they may be at risk for claims of polarized voting.

Need a refresher on the WVRA? AWC maintains an implementation webpage (<https://wacities.org/data-resources/voting-rights-act-implementation>).

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HR & labor relations

HR & labor bills seeing action as second policy cutoff approaches

Contact: Candice Bock, Matt Doumit

Several HR & labor relations bills are seeing action, or are scheduled for action, ahead of this Wednesday's opposite house policy cutoff, the deadline to move opposite house bills out of their respective policy committees. Here we review a few of those bills.

Bills that have moved out of committee

Employee personnel records

HB 1320 requires employers to turn over a complete copy of an employee's personnel records (or a statement of discharge) to current or former employees on request. Amendments were adopted to increase the response time to 15 business days (from 14 calendar days), remove provisions requiring personnel files to be unredacted. The bill also establishes penalties for failure to timely turn over records and allows employees to sue to obtain the records. Another amendment was adopted that requires employees to give employers five days notice before filing suit. AWC has concerns but has been working to improve the bill. The bill was passed out of the Senate Labor & Commerce Committee on March 23.

"Good faith" for self-insured employers

HB 1521 creates a duty of "good faith" for self-insured employers and their third-party administrators towards workers in self-insured workers' compensation programs, with significant penalties for violating this new and unclear standard of good faith. They also allow L&I to write rules outlining those duties and require L&I to investigate and order resolution of claims. AWC offered amendments (<https://wacities.org/advocacy/news/advocacy-news/2023/03/17/bill-imposing-undefined-good-faith-standard-on-self-insured-cities-scheduled-for-vote>) to improve the bill, but they were rejected. AWC opposes this bill. It passed out of the Senate Labor & Commerce Committee on March 23. We will continue our attempts to mitigate the negative aspects of this proposal.

Recording independent medical exams

HB 1068 allows an injured worker to make an audio and video recording of an independent medical examination, and to have one person of the worker's choosing present during the examination. AWC has concerns about this bill's impact on the number of providers willing to participate in IMEs, as well as the objectivity of those exams. It passed out of the Senate Labor & Commerce Committee on March 23.

PFML premiums

SB 5286 adopts the recommendations of the PFML premiums task force and changes the formula used for calculating PFML premiums, raises the premiums cap to 1.2%, and makes other changes. It was passed out of the House Labor & Workplace Standards Committee on March 17 and is now in the House Appropriations Committee.

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Bills scheduled for committee action

Union-member privilege

HB 1187 creates a new legal privilege between union members and their unions. AWC has a position of “other” on the bill, supporting the concept of some level of protected confidentiality for union members, but with concerns about the broad privilege in this particular bill – including its effect on a city’s ability to fairly defend itself in court, its impact on cities’ ability to investigate and take action against workplace misconduct, the need to clarify that it is the employee that holds the privilege, and ensuring the privilege doesn’t interfere with statutory mandatory reporting requirements. AWC testified on the bill last week.

Sharing employee info with unions

HB 1200 requires public employers to provide certain employee information – including work and personal contact information, date of hire, salary, and jobsite location – to public employee unions. Employers have 21 days to provide information on new hires and must provide the same information again every 120 days for all employees in each bargaining unit. Most of the information covered by the bill was required to be shared with unions through the bargaining process already, and AWC was able to get the bill amended in the House to provide reasonable timelines for compliance. The bill had a hearing last week.

PFML data access

SB 5586 changes the data privacy provisions of the PFML statutes to allow employers access claims data for their employee’s PFML claims, including the type of leave an employee is taking, approved dates/duration of leave, remaining PFML hours, weekly benefit amount, and benefits paid and hours claimed. It had a hearing last week.

Dates to remember

HB 1187 is scheduled for a committee vote in the Senate Law & Justice Committee on Tuesday, March 28 at 10:30 am.

HB 1200 is scheduled for a committee vote in the Senate Labor & Commerce Committee on Monday, March 27 at 10:30 am.

SB 5586 is scheduled for a committee vote in the House Labor & Workplace Standards Committee on Tuesday, March 28 at 8 am.

L&I moving ahead with permanent ambient heat exposure rulemaking

Contact: Candice Bock, Matt Doumit

In non-legislative news, the Department of Labor & Industries (L&I) has initiated the formal process for a permanent ambient heat exposure rule for outdoor workers. The proposed rule comes after two years of the agency pursuing temporary emergency rules on the subject, which did not have to go through the full rulemaking process.

While agencies often avoid major rulemakings during the legislative session (and summer still seems far off), the timing here appears to be so a permanent rule can go into effect before this summer.

We last wrote about the ambient heat exposure rules back in August 2022 (<https://wacities.org/advocacy/News/advocacy-news/2022/08/10/l-i-director-speaks-out-about-this-summer-s-heat-and-wildfire-smoke-rules>), when L&I Director Joel Sacks spoke on TVW about the emergency heat exposure and wildfire smoke exposure rules. We also wrote about the 2022 emergency rules when they were adopted last June (<https://wacities.org/advocacy/news/advocacy-news/2022/06/08/l-i-adopts->

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temporary-smoke-and-heat-rules). At the time, AWC supported the re-adopting the less stringent 2021 emergency rules until a permanent rulemaking, with a full cost-benefit analysis, could be held.

L&I's new draft rules (https://www.lni.wa.gov/rulemaking-activity/?query=outdoor+heat&ruleStatus=Open&ruleTopic=All&utm_medium=email&utm_source=govdelivery) apply to most outdoor workers and outdoor workplaces. The changes include:

- Making the heat exposure rules apply year-round, not just during the May – September timeframe as is currently done.
- Simplifying and lowering the outdoor temperature thresholds that trigger the outdoor heat exposure rules to 52°F for workers in nonbreathable clothes and 80°F for workers in all other types of clothes.
- If the triggering temperature threshold is reached, the rules require:
 - The initiation of an outdoor heat exposure (OHE) safety program.
 - Employers to encourage and allow employees to take paid preventative cool down rest breaks as needed.
 - Employers to provide nearby shade or other means of reducing body temperature, and provide suitably cool drinking water.
- Standards for what must be included in an employer's OHE safety program.
- Establishing high heat procedures for when temperatures are 90°F or more, to include mandatory cool down rest breaks of 10 minutes every 2 hours at 90°F+, and mandatory breaks of 15 minutes every 1 hour at 100°F+.
- During high heat, the rules also establish employer duties for "acclimatizing" employees to high temperatures over a 14-day period as well as during heat waves.
- Required annual training for outdoor work supervisors and workers on: factors leading to heat-related illness; acclimatization; policies for maintaining on-site worker safety and response to heat-related illnesses; and consideration of alternatives to reduce heat exposure.

You can find L&I's preliminary cost-benefit analysis for the proposed rules here (<https://www.lni.wa.gov/rulemaking-activity/AO21-33/2133PCBA.pdf>). L&I will be hosting several in-person and virtual public hearings (<https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/ambient-heat-exposure-rulemaking#meetings-and-timeline>) on the proposal:

- April 25 at 10 am – Bellingham
- April 26 at 10 am – Kennewick
- April 27 at 10 am – Spokane
- May 2 at 10 am – Tukwila
- May 3 at 10 am – Vancouver
- May 4 at 2 pm – Virtual

You can find more information on the proposed ambient heat exposure rule on L&I's rulemaking website (<https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/ambient-heat-exposure-rulemaking#overview>).

Cities with outdoor staff – like those in parks & recreation, public works, utilities, transportation, public safety and emergency response, outdoor maintenance, etc. – should review the rules and their own outdoor heat exposure procedures. Make sure to submit comments to L&I about your city's unique considerations as they work to iron out the final rule.

Dates to remember

Written comments on the draft Ambient Heat Exposure rules will be accepted until May 11, and can be submitted to carmyn.shute@lni.wa.gov.

continued

Public safety & criminal justice

Blake bill scheduled for committee vote in the House

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

The House Community Safety, Justice, & Reentry committee heard over two hours of testimony last week in their public hearing on **SB 5536**. AWC thanks the many Mayors and city officials who took time to participate in the hearing.

SB 5536, the so-called “*Blake fix*”, is a priority bill for AWC this year. It makes knowing possession of drugs a gross misdemeanor while focusing on many options for treatment in lieu of criminal penalties. It also provides accountability for individuals who, on multiple occasions, refuse substance use disorder treatment or fail to substantially comply with recommended treatment.

The following are the most critical components for cities:

- **Establishing that knowing possession of a controlled/counterfeit substance is a gross misdemeanor.** Making knowing possession of most drugs a gross misdemeanor gives adequate time for court monitoring. As a gross misdemeanor, municipal and district courts will have a sufficient length of time (up to two years) to monitor an individual’s compliance with substance use disorder treatment.
- **Emphasis on treatment.** AWC is supportive of the numerous opportunities within the bill to encourage an individual to obtain a substance use disorder evaluation and treatment. This includes the pre-trial diversion program created in the bill. If an individual completes all recommended treatment, their case is dismissed, and record vacated.
- **Criminal justice system.** AWC believes accountability, in the criminal justice process, is valuable. An infraction would be insufficient.
- **State investments.** AWC is very supportive of the grant program for Law Enforcement Assisted Diversion (LEAD), as well as arrest and jail alternatives, 23-hour crisis relief centers, and opioid use disorder treatment efforts within local jails. AWC has also requested direct funding assistance for cities to help offset costs associated with these cases.

The debate regarding the permanent solution for the Blake case now rests with the House. The discussion over the best approach to drug possession will continue as the path in the House is not clear. We expect that the bill is still a work in progress and may come out of this committee in a different form than it stands now.

Dates to remember

SB 5536 is scheduled for a vote in the House Community Safety, Justice & Reentry committee on Tuesday, March 28 at 4 pm.

Police pursuits bill scheduled for vote in House committee

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

Contact your legislators before Tuesday’s critical vote and sign on to AWC’s letter by the end of day on Thursday. Now is a crucial time for cities to reach out to their House of Representatives legislators with support for changes to restrictions on police pursuits.

The House Community Safety, Justice, & Reentry committee is scheduled to vote Tuesday on **SB 5352** and we strongly encourage you to join AWC’s voice on this bill. **SB 5352** revises the police pursuits statute to include a “reasonable suspicion” standard and strikes a more appropriate balance between providing law enforcement with the tools needed to pursue dangerous suspects while focusing on appropriate and necessary safety standards.

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Reach out to your members of the House and ask them to support SB 5352 as it stands now. Tell them:

- Passing **SB 5352** as it is currently drafted is a worthwhile and important step for improving public safety. **SB 5352** will allow law enforcement to engage in police pursuits with a “reasonable suspicion” standard in certain crucial situations while still seeking to balance public safety and the inherent risk of police pursuits.
- In a recent poll of likely voters, 79% supported using a reasonable suspicion standard to pursue dangerous suspects.
- Residents are concerned about public safety and crime. **SB 5352** will provide additional tools for local police to address these public safety concerns.

City officials who want to see progress this session on vehicular pursuits need to make that clear to their legislators. House members need to hear from their cities how the current law is negatively impacting public safety and that **SB 5352** represents important incremental progress in revising the restrictions. We are hearing that some House members are hearing that it may be better not to pass this bill because of its narrow focus – but we need action now. This bill makes important progress in providing additional public safety tools for local police.

AWC urges you to reach out today to your House members, particularly House Democrats, to urge them to ask leadership to bring the bill up for a vote and to vote in favor of **SB 5352**.

Act now!

Contact your legislator before Tuesday’s critical vote. Sign on (https://forms.office.com/Pages/ResponsePage.aspx?id=cL1JyzCFxEipYy_46MPSMsnEoEGl_gZJmk36VHzle_ZUMFIGOEVDN0ZQRzQ5RzExQ0wyRUE4WUxSMY4u) to AWC’s letter (https://wacities.org/docs/default-source/legislative/032723sb5352vehicularpursuitsletter.pdf?Status=Master&sfvrsn=462264f_3) by the end of day on Thursday.

A little more background on SB 5352

Under **SB 5352** a law enforcement officer would be authorized to engage in a vehicular pursuit if all the following conditions are met:

- The officer has ‘reasonable suspicion’ that the driver or a passenger:
 - Has committed or is committing a violent offense, sex offense, or an escape; or
 - Is driving under the influence.
- The pursuit is necessary to identify or apprehend the person.
- The person poses an imminent threat to the safety of others.
- The safety risks of failing to apprehend or identify the person are considered greater than the safety risks associated with engaging in a pursuit.

The bill also modifies the procedures for supervisor involvement, including requiring the officer to receive authorization and oversight from a supervisor (or on-call supervisor in jurisdictions with fewer than ten commissioned officers) to engage in a vehicular pursuit.

Senate budget proposal

While this version of the bill does not include the two-year sunset that we had seen in previous House versions, the Senate’s proposed operating budget did include \$165,000 for a technical advisory committee to develop legislative policy recommendations related to vehicular pursuits, due by November 2024.

The Senate also proposed \$3 million for a law enforcement technology grant program, allowing law enforcement agencies to purchase GPS equipment, automated license plate reading technology, aircraft, and drone technology.

Dates to remember

SB 5352 is scheduled for a vote in the House Community Safety, Justice & Reentry committee on Tuesday, March 28 at 4 pm. *continued*

Public works & infrastructure

Prevailing wage bill rescheduled for hearing this week – express your concerns to legislators before it’s too late

Contact: Brandy DeLange, Brianna Morin

Last week, we encouraged cities to tune into the activity around **SB 5726**, a bill requiring that wages paid to laborers of public works be the latest prevailing wage rate in effect at the time the work is performed. The bill was scheduled for a hearing in the House Labor & Workplace Standards Committee, but then taken off the agenda when the Committee Chair was not willing to hear the legislation. However, bill proponents advocated strongly for a hearing and now **SB 5726** is rescheduled for a hearing in the same committee this Tuesday at 10:30 am.

As before, AWC asks that you **communicate your concerns with the impact of the bill this week while it is considered by the House**. Contact your legislator and testify or submit written comments to the Committee. Several changes recently made to the bill could confuse the bidding process and would create a requirement for excessive change orders. Read our summary of the bill (<https://wacities.org/news/2023/03/03/changes-to-prevailing-wage-law-pass-the-senate-head-to-the-house-and-may-be-on-their-way-to-cities>) as it currently stands.

AWC will testify asking for the bill sponsor and proponents to set the bill aside for the session, allowing for interim work to occur. We believe experts and other stakeholders should have the chance to craft a more comprehensive piece of legislation. If our request goes unmet, AWC has provided language that would address our largest concerns by creating a more streamlined approach to the policy goals of the bill.

Date to remember

SB 5726 is scheduled for public hearing in the House Labor & Workplace Standards Committee on Tuesday, March 28, at 10:30 am.

continued

There's still time: express your support for procurement standards bill in committee Tuesday

Contact: Brandy DeLange and Brianna Morin

If you missed the chance to communicate your position on **HB 1621** last week, it's not too late. However, time is running short. The bill is scheduled for a vote by the Senate Local Government, Land Use & Tribal Affairs Committee this Tuesday at 9 am. AWC asks you to **contact your legislator to express your support for the bill.**

HB 1621 increases contract limits that require competitive bidding, allows current employees to perform work under a certain cost limit, and outlines a standard definition of "lowest responsible bidder." Read AWC's summary of the bill as introduced (<https://wacities.org/news/2023/01/27/new-procurement-standards-aim-to-support-local-government-needs>).

The bill was originally scheduled for executive session last Thursday, March 23, but was pulled from the agenda so that concerns raised by the opposition could be considered before the Committee vote. One point of concern is that the Capital Projects Advisory Review Board (CPARB) did not review and recommend the bill. Based off this feedback, AWC is recommending that language be added to **HB 1621** directing that CPARB review the implementation and use of the bill's policies once enacted and followed by the required public entities.

Date to remember

HB 1621 is scheduled for executive session in the Senate Local Government, Land Use & Tribal Affairs Committee on Tuesday, March 28, at 9 am.

AWC still working to refine apprenticeship utilization proposal as it nears its end goal

Contact: Brandy DeLange, Brianna Morin

Expansions to apprenticeship utilization requirements may soon become reality for cities as **HB 1050** draws closer to the Governor's desk. The bill requires that contractors hired for municipal public works projects estimated to cost \$1,000,000 or more have at least 15% of the labor hours performed by apprentices.

The legislation was amended in the House to remove the requirement that subcontracts with an initial price of \$350,000 or more require at least 15% of the labor hours be performed by apprentices. The provision that no contractor or subcontractor is accountable for the failure of any other contractor or subcontractor to comply with the apprenticeship utilization requirements remains.

To further refine the bill, AWC is proposing a staircase approach—starting all contracts at \$2 million in 2024 and incrementally dropping to \$1 million by 2028. The Department of Labor and Industries will conduct a study to review apprenticeship utilization at each contracting amount and will be required to perform education and training.

HB 1050 passed out of the Senate Labor & Commerce Committee last week by a 5-2 vote, receiving no amendments. Its next stop is the Senate Rules Committee.

continued

Transportation

Keep pace with the transportation bills rolling through the Legislature

Contact: Brandy DeLange, Brianna Morin

This week, we bring you another round of updates to several transportation bills journeying through the Legislature.

Freight mobility

HB 1084 makes several changes to the state's Freight Mobility Strategic Investment Board (FMSIB). The bill removes the Board's authority related to the selection and finance of freight projects, instead directing it to identify a six-year program of the highest priority freight mobility investments for the state and identify critical emerging freight issues. The bill also moves the Board's focus towards impacts of freight transportation on overburdened communities, among other changes.

AWC supports the bill as amended.

HB 1084 is scheduled for public hearing in the Senate Transportation Committee on Monday, March 27, at 4 pm.

Deterring bridge jumping

HB 1004 encourages cities, towns, and counties to erect informational signs on new and existing bridges providing location-specific information about the hazards of jumping. It received a unanimous vote of approval last week in the Senate Transportation Committee and was passed to the Senate Rules Committee.

AWC supports the bill.

Transportation impact fee revenue

SB 5452 authorizes cities to use transportation impact fees on bicycle and pedestrian facilities not within road rights-of-way. It was heard in the House Local Government Committee last week, where it was approved by a 4-3 vote. It heads now to the House Rules Committee.

AWC supports **SB 5452**.

Transportation revenue forecast

HB 1838 transfers the responsibilities for the transportation revenue forecast for the transportation budget to the Economic and Revenue Forecast Council (ERFC). The bill requires ERFC to prepare and approve the transportation revenue forecast beginning with the September 2024 forecast. Legislators from the Transportation Committee and the Director of the Department of Licensing are added as Council members that would sit with the ERFC when the Council is considering and approving the transportation revenue forecast.

Last week, **HB 1838** was amended by the Senate Transportation Committee to allow the Council to prepare unofficial transportation revenue projections, which may include optimistic and pessimistic assumptions. This brings the new responsibilities of the Council, as proposed by the bill, in line with the Council's existing responsibilities for making the state's economic forecast. Other administrative changes were also made to clean up inconsistencies in the proposed legislation.

The bill was voted unanimously out of the Committee and was passed to the Senate Rules Committee for consideration.

continued

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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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