



Legislative bulletin

May 22, 2023

Hot topics

City outcomes for the 2023 Legislative Session

The legislative session adjourned April 23 after an intense 105 days of work. There's a lot to celebrate and a few disappointments. Overall, it was a successful, if occasionally challenging, session for cities. Read about the Legislature's action on each of our legislative priorities and other city issues, both pros and cons.

Blake fix bill passes Legislature during one-day special session

On Tuesday, May 16, the Legislature convened for the first special session in six years. The purpose of the session was to reach agreement on the so-called "Blake fix" to permanently address the criminality of drug possession and use in Washington in the wake of the state Supreme Court's 2021 *State v. Blake* decision. The bill passed with bipartisan support and was signed by the Governor. Read what made it into the final bill.

Action items

Share your ideas for 2024

We are already looking ahead to the 2024 Legislative Session. Please complete this survey by May 30 to submit issues for the AWC Legislative Priorities Committee to consider for potential inclusion in AWC's 2024 legislative agenda.

Media time

Watch our 2023 Legislative Session recap webinar

If you missed it last week, the AWC Advocacy team delivered an informative recap of city-related legislative issues. Watch now to catch up on key outcomes of the 2023 session, learn how city priorities fared during session, and discover how you can make the most impact during the legislative interim to prepare for 2024. Watch here.

View from the hill

Recapping the 2023 session

Nearly a month has passed since the 2023 session adjourned sine die (Latin for "without day") and the deadline for the Governor to sign or veto bills has come and gone. The session can be a little overwhelming – this year there were 2,162 bills introduced (AWC tracked about 500 of those) and 475 made it to the Governor's desk. Now that the session dust has settled, we invite you to read this legislative recap edition of our Legislative Bulletin to learn about some of the most significant developments impacting cities.

We were pleased to see significant action on our priorities and in the state's budgets, including the long-sought return of full funding to the Public Works Assistance Account. These successes wouldn't have occurred without the strong engagement of all of you, our members. Your communications with legislators and engagement with the legislative process were instrumental in making the city voice heard and in impacting the decisions made throughout session. Thank you all for your efforts, engagement, and continued support of the AWC Government Relations team.

Finally, a huge thank you and kudos to our amazing Government Relations team of lobbyists and analysts and others who work so hard to represent all 281 cities and towns. They do amazing work during session and year-round. We are also grateful for the support of the entire AWC organization – we couldn't do this without them.

Happy reading,

Candice Bock
Government Relations Director

continued

What you need to know

Affordable housing: The year of housing – at least 20 new session laws were the result of this intense housing-focused session.

Broadband & telecommunications: State support for broadband comes through as Washington prepares to receive millions in federal dollars.

Budget & finance: Big year for the number of tax bills introduced, but not much to show in the end.

Cannabis: Cannabis social equity program moves forward again in 2023; other cannabis-related bills do not pass.

Energy: Accessibility prioritized in this year's utility and energy legislation.

Environment & natural resources: Environmental issues peaked early in session with recycling and climate resiliency.

General government: General government bills were far-ranging in topic and outcome, from advisory votes to adult entertainment.

Legislators take notice of small cities' challenges and increase contract limits in two critical areas.

Homelessness: Legislation specific to homelessness was light in contrast to years past.

HR & labor relations: A busy session for HR & labor relations bills as workers' compensation, records-sharing, paid family & medical leave, ergonomics, and other issues are addressed.

Human services: Behavioral health was a significant priority for the 2023 Legislative Session.

Land use & planning: Land use and planning bills, non-housing related, were quietly productive.

Open government: Open government bills were debated in 2023 with little action taken.

Pensions: Exciting changes to lower pension costs for local governments among the bills to make the final cut.

Public safety & criminal justice: A busy session for public safety legislation, clarifying police pursuit restrictions, adopting a "Blake fix" addressing drug possession, banning assault weapons, and more.

Public works & infrastructure: Infrastructure funding, equity, and standardization key outcomes for public works in 2023.

Transportation: Traffic safety, project delivery, and collaborative partnerships take center stage in transportation arena this session.

continued

Affordable housing

The year of housing?

Contact: Carl Schroeder, Shannon McClelland

A glance through the bill chart below will give you an idea of how intense the 2023 legislative session was on affordable housing issues. At least twenty new session laws were the result – not counting the ones that did not bear on city interests.

Given the severity of the housing affordability crisis across the state, it was encouraging to see so much legislative interest in finding solutions. AWC knew that this would be an important year, putting together a Housing Solutions Group that made a set of sweeping and comprehensive proposals (<https://wacities.org/news/2022/12/09/awc-housing-solutions-group-releases-proposal>).

In our previous housing article, we took stock of those proposals (<https://wacities.org/advocacy/news/advocacy-news/2023/04/24/taking-stock-of-the-awc-housing-solutions-group-proposal>) and how many of them were reflected in the laws that the Legislature passed. Spoiler: the Legislature adopted a significant majority of them. We were able to get to support on the middle housing bill, **HB 1110**, that was so controversial last session. AWC was also able to lead regulatory reforms efforts on design review, SEPA, and permit processing, not to mention infrastructure investments.

Another policy of note, **SB 5198** doubled the required length of notice for closure of a mobile home park and setting up a process to allow tenants an opportunity to purchase a park if it's listed for sale.

The reason for the question mark in the title, however, reflects the one critical area that the Housing Solutions Group recommended that the Legislature did not act on – funding. While the budgets made very significant investments—by far the largest investments in affordable housing that were not driven by federal stimulus dollars—lawmakers were not able to find support to create durable, dedicated, and ongoing new revenues to build more affordable housing.

While the policy work done this year will hopefully bear fruit over time, most of the benefit will accrue to market rate development, unfortunately. While all housing supply is important and needed, cities know and strongly advocate that we need new and greater resources if we are to be successful in achieving the more than 500,000 affordable units that we are asked to plan for in the next twenty years. This piece of the puzzle still needs to be fit into place. Until then, the solution is still incomplete.

Bill #	Description	Status
HB 1110	Middle housing & density mandate	Law; effective July 23, 2023.*
HB 1042	Conversion of existing commercial and mixed-use buildings for residences.	Law; effective July 23, 2023.*
HB 1046	Increases AMI threshold for housing authority projects to 80%.	Law; effective July 23, 2023.
HB 1250	Low-income home rehabilitation program reform.	Law; Multiple effective dates, including an emergency clause.
HB 1267	Rural public facilities tax with workforce housing nexus.	Law; effective July 23, 2023.
HB 1293	Objective design review.	Law; effective July 23, 2023.*
HB 1326	Can waive utility connection fees for certain housing and shelter.	Law; effective July 23, 2023.

continued

HB 1337	ADU mandate.	Gov. signed with partial veto. Effective July 23, 2023.*
HB 1425	New version of the annexation sales tax credit.	Law; effective July 23, 2023. May not impose tax until July 1, 2028.
HB 1474	Covenant homeownership program.	Law; various effective dates.
HB 1695	Broadens definition of affordable housing under surplus property law.	Law; effective July 23, 2023.
SB 5058	It's not a condo!	Law; effective July 23, 2023.
SB 5198	New standards for mobile home park sales	Law; effective July 23, 2023
SB 5290	Local permit review.	Law; various effective dates.
SB 5604	Amends HB 1406 (2020) sales tax credit to allow all cities to use revenue for rent assistance.	Law; effective July 23, 2023.
SB 5258	Increasing condos and townhouses for homeownership.	Law; various effective dates.*
SB 5301	Commerce housing programs.	Law; various effective dates.
SB 5386	Document recording fees.	Law; effective July 23, 2023.
SB 5412	Categorical SEPA exemption for housing development.	Law; effective July 23, 2023.
SB 5491	Residential building exits.	Law; effective July 23, 2023.
HB 1026	Local government design review.	Did not pass.
HB 1078	Urban tree and forest management.	Did not pass.
HB 1111	Housing benefit district.	Did not pass.
HB 1149	\$4 billion bond bill and Workforce Housing Accelerator Loans	Did not pass.
HB 1167	Residential housing regulations.	Did not pass.
HB 1245	Lot splitting.	Did not pass.
HB 1296	Local permit review.	Did not pass.
HB 1298	Condominiums and townhouses.	Did not pass.
HB 1343	Affordable housing incentive program.	Did not pass.
HB 1351	Minimum parking requirements.	Did not pass.
HB 1401	Housing permit process.	Did not pass.
HB 1402	Urban growth boundaries.	Did not pass.
HB 1449	Project permits/reports.	Did not pass.
HB 1519	Local project review.	Did not pass.
HB 1611	Local government permitting.	Did not pass.
HB 1628	Affordable Homes Act. New REET sources to fund affordable housing.	Did not pass.
SB 5202	\$4 billion bond bill and Workforce Housing Accelerator Loans	Did not pass.
SB 5235	ADUs	Did not pass.
SB 5334	Affordable housing funding.	Did not pass.
SB 5364	Lot splitting.	Did not pass.
SB 5466	Transit oriented development.	Did not pass.
SB 5473	Project permit timelines.	Did not pass.

*Implementation dates are based on the date of the city's next periodic comprehensive plan update required under the Growth Management Act.

continued

Broadband & telecommunications

State support for broadband comes through as Washington prepares to receive millions in federal dollars

Contact: Brandy DeLange, Brianna Morin

It's been a busy time for broadband, as the federal government prepares to allocate billions in infrastructure funding across the country and the states prepare to receive it. Here in Washington, the Legislature appropriated \$200 million in the final capital budget for broadband infrastructure this year, including \$50 million as federal grant match for the Broadband Equity, Access, and Deployment (BEAD) state grants program and \$150 million in federal funds for grants.

In addition to allocating funding, the budget laid out the state's direction to the Broadband Office for administering the estimated \$900 million in Broadband Equity, Access, and Deployment (BEAD) program dollars headed our way. The Office may only provide match dollars for projects where the lead applicant is a public entity. It must also establish selection criteria (in addition to the federal criteria) that give weight to projects that "provide open-access wholesale last-mile broadband service for the useful life of the subsidized networks on fair, equal, and neutral terms to all potential retail providers" and "demonstrate support from the local government or any tribal government with oversight over the location or locations to be served."

HB 1746, the other piece of broadband legislation in the limelight this year, originally aimed to establish a statewide broadband map for use in determining connectivity gaps in Washington and directing funding efforts to build broadband infrastructure where needed most. The bill was amended significantly during the session, eliminating the plan for a statewide map in place of measures to support a more accurate federal broadband map.

Though it ultimately failed to pass, the legislation's trajectory captured the essence of the current state of play for broadband in Washington. In preparing to receive the BEAD dollars, state and local government actors are grappling with the challenges of determining how best to deploy the funding and support the development of accessible broadband infrastructure across the state. Meeting the federal BEAD requirements, which are tied to the Federal Trade Commission's often incomplete and inaccurate availability data, presents one hurdle. The state must also balance the public need for broadband with the interests of private providers, who can invest in the needed infrastructure but whose anti-competitive practices leave low-resourced communities with unaffordable options to connect.

In the months to come, as it embarks on setting project criteria and aligning the state's application process with federal requirements, the Broadband Office will conduct stakeholder engagement and public outreach. AWC will actively participate throughout and encourages cities to take part in this historic time for broadband in Washington.

Bill #	Description	Status
HB 1746	Concerning a state broadband map.	Did not pass.
SB 5577	Establishing and making appropriations for the capital broadband investment acceleration program.	Did not pass.

continued

Budget & finance

Big year for tax bills being introduced but not much to show

Contact: Candice Bock, Sheila Gall

2023 may be notable for the number of bills introduced dealing with tax changes. There was the AWC priority bill around local and state REET authority for affordable housing. There were three different bills introduced to revise the local property tax cap from the current arbitrary 1%. There were bills to move from the State's business and occupation (B&O) tax to a new margins tax, a recommendation of the State Tax Structure Work Group. There was a bill introducing a wealth tax. And finally, while not a bill, the State Supreme Court upheld the constitutionality of the capital gains tax created a couple of years ago.

In the end, none of these tax bills ended up passing. But, there was some glimmer of hope – this was the most interest we have seen in revising the property tax cap in recent years. Three separate bills (**HB 1670**, **SB 5618**, **SB 5770**) – two of which were heard in committees – and one, **HB 1670**, actually passed out of the House Finance Committee. This counts as progress and poses an opportunity to keep this important conversation going in future sessions.

Additionally, there was broad interest in the REET legislation, **HB 1628**, as a way to create an ongoing source of funding for affordable housing. The Realtors association came out in strong opposition to the proposal spending \$400,000 on TV ads opposing the bill.

That opposition highlights the intense opposition any tax proposal typically faces.

However, sometimes things surprise us like in 2021 when the Legislature finally embraced tax increment financing (TIF) after years of skepticism. This year the legislature passed some needed technical fixes to that authority to make it work better, particularly for port districts (**HB 1527**). The Legislature also restored the annexation sales tax credit as one of several bills intended to increase the availability of affordable housing (**HB 1425**).

Finally, a quick word about the budgets. This session they adopted the new 2023-25 biennial operating, capital, and transportation budgets. For the most part this was a year with little drama in the budget arena, and the budget writers adopted a conservative approach in recognition of some slowing of revenue growth and hedging against the possibility of a recession in the next few years. Overall, these were strong budgets for cities and city priorities largely were funded.

The most notable win for cities was the return to full funding for the Public Works Assistance Account (PWAA). We are excited to celebrate this big achievement and appreciate the work that cities have put into advocating for this critical infrastructure funding program.

continued

Bill #	Description	Status
HB 1267	Rural county public facilities sales tax (.09 sales tax).	Law; effective July 23, 2023.
HB 1303	Administration of property taxes.	Law; effective July 23, 2023, except Sec. 4 and 6 effective January 1, 2027.
HB 1425	Annexation sales tax credit.	Law; effective July 23, 2023. May not impose tax until July 1, 2028.
HB 1527	Technical corrections to the local tax increment financing program	Law; effective May 9, 2023.
SB 5187	State operating budget for 2023-25.	Gov. signed with partial veto. Law; effective May 16, 2023.
SB 5199	Providing tax relief for newspaper publishers.	Law; effective January 1, 2024.
SB 5200	State capital budget for 2023-25.	Gov. signed with partial veto. Law; effective May 16, 2023.
HB 1446/ SB 5361	Incentivizing cities and counties to increase employment of commissioned law enforcement officers (0.1% sales tax for additional law enforcement and eliminate cost-sharing for BLEA).	Did not pass.
HB 1473/ SB 5486	Creating a more fair tax system by enacting a wealth tax on intangible property.	Did not pass.
HB 1476/ SB 5289	Allowing the use of impact fees for law enforcement.	Did not pass.
HB 1628	Affordable Homes Act. New REET sources to fund affordable housing.	Did not pass.
HB 1644/ SB 5482	Replace the state B&O tax with a margin tax.	Did not pass.
HB 1670	Raising the limit factor for property taxes (inflation and population up to 3% for local taxes).	Did not pass.
SB 5158	Transparency in state and local taxation (requiring the Department of Revenue to create an online database).	Did not pass. Report proviso included in operating budget SB 5187 .
SB 5387/ SJR 8204	Property tax relief for homeowners and renters (state property tax homestead exemption based on first \$250,000 of a primary residence).	Did not pass.
SB 5495/ SJR 8206	Property tax rebates for homeowners and renters (state property tax homestead exemption based on first \$250,000 of a primary residence and constitutional amendment to uniformity clause).	Did not pass.
SB 5618	Increasing the local property tax revenue growth limit (inflation and population up to 3%).	Did not pass.
SB 5770	Providing state and local property tax reform (inflation and population up to 3%).	Did not pass.

continued

Cannabis

Cannabis social equity program moves forward again in 2023; other cannabis-related bills do not pass

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

2023 was a quiet session for cannabis legislation, with one notable exception related to the Social Equity in Cannabis program. The program will be expanded in 2023 with the passage of **SB 5080**, including the addition of new retail licenses.

Between January 1, 2024, and July 1, 2032, the Liquor Cannabis Board (LCB) is authorized per **SB 5080** to issue up to 52 new cannabis retailer social equity licenses. Additionally, the LCB may issue up to 100 new cannabis processor licenses immediately. These retailer and processor licenses may only be issued in areas where they are not prohibited by local ordinance. AWC consistently advocated to ensure cities with moratoriums or bans in place will not see any new licenses issued in their city as a result of this legislation. In addition to this protection, the LCB is further required by **SB 5080** to ensure geographic disbursement in new equity licenses issued and allow an opportunity for the local government to object to issuance of a new license.

Another bill, **HB 1650**, would have prevented cities from prohibiting cannabis retail businesses after July 1, 2027 unless a majority of voters in the city voted in a general election after July 2023 to approve an ordinance prohibiting cannabis retailers. AWC successfully advocated against this bill to protect the roughly 80 cities that have some form of prohibition on cannabis retail businesses. This issue had seemed relatively settled for a few years now, but AWC anticipates it could come back again in the future.

A final bill of note, **SB 5363**, would have transferred regulation of signage on cannabis businesses from the LCB to cities, similar to sign codes in place for non-cannabis businesses. This bill also did not pass.

AWC will continue to monitor cannabis legislation and advocate to protect local control for cannabis regulation.

SB 5123 prohibits preemployment testing for cannabis except for first responders and some other safety-sensitive positions.

Bill #	Description	Status
SB 5080	Expands the social equity in cannabis program.	Law; effective July 23, 2023.
SB 5123	Prohibits preemployment testing for cannabis.	Law; effective January 1, 2024.
HB 1650	Create preemption for cannabis retail businesses except by new voter-approved bans.	Did not pass.
SB 5363	Removes restrictions on size of certain licensed cannabis retailer signs.	Did not pass.

continued

Energy

Accessibility prioritized in this year's utility and energy legislation

Contact: Brandy DeLange, Brianna Morin

Affordable and accessible utility service for vulnerable Washingtonians was a top priority for legislators in the 2023 legislative session. AWC worked collaboratively with the sponsors of two key bills that passed this year: **HB 1329**, sponsored by Rep. Sharlett Mena, and **HB 1326**, sponsored by Rep. Julio Cortez.

As written in **HB 1329**, beginning on July 23, 2023, water and electric utilities will be prohibited from shutoffs when the National Weather Service (NWS) has issued a heat-related alert such as an excessive heat warning, heat advisory, or similar alters. A residential user whose service had previously been disconnected for lack of payment may request that service be reconnected on any day for which the NWS has issued a heat related alert for the area of the residence. Additionally, when a utility disconnects residences from power, they must inform all customers of the ability to seek reconnection and provide clear information on how to make that request. Upon receiving such a request, utilities must make a prompt and reasonable attempt to reconnect. Both the bill sponsor and the Attorney General's Office have committed to addressing implementation challenges identified this year, if needed, in the upcoming session.

HB 1326 permits municipal utilities to waive connection charges for a nonprofit organization, public development authority, housing authority, or local agency that provides emergency shelter, transitional housing, permanent supportive housing, or affordable housing. To ensure that costs are not passed back to ratepayers, waived connection charges must be funded through general funds, grant dollars, or another identified revenue stream.

AWC supported both pieces of legislation, recognizing that accessible, affordable utilities are imperative to sustaining healthy, vibrant communities.

Finally, while AWC did not actively engage on **HB 1216**, a Governor request bill that establishes an interagency clean energy siting coordinating council, we closely tracked the legislation throughout the session. The bill requires and facilitates better coordinated, faster environmental review and permitting decisions on energy projects within the state. The coordinating council will be co-chaired by the Departments of Commerce and Ecology, with representation from the Governor's office and various state agencies. The proposal also creates a designation for clean energy projects of statewide significance, tasking Commerce and Ecology with designing an application and application process to achieve the designation.

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.

Bill #	Description	Status
HB 1032	Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances.	Law; effective July 23, 2023.
HB 1216	Concerning clean energy siting.	Law; effective July 23, 2023.
HB 1326	Waiving municipal utility connection charges for certain properties.	Law; effective July 23, 2023.
HB 1329	Preventing utility shutoffs for nonpayment during extreme heat.	Law; effective July 23, 2023.
SB 5165	Concerning electric power system transmission planning.	Law; effective July 23, 2023.
SB 5570	Authorizing electric utilities to establish energy efficiency revolving loan programs.	Did not pass.

continued

Environment & natural resources

Environmental issues peaked early in session

Contact: Carl Schroeder, Shannon McClelland

For cities, it was a relatively quiet session on the environmental beat. Major proposals to re-envision the recycling system to bring consumer products' brand owners (think Nestle, owner of 2,000 branded products) into the system to help fund collection of their packaging resurfaced again this year. The proposal made it to the House floor calendar, but the chamber declined to bring it up for a vote (**HB 1131/SB 5154**). Furious lobbying from the solid waste firms who were concerned about the implications of this new system on their bottom line was ultimately too much for the bill to overcome. We expect the conversation to continue this interim and next session.

Following passage of the Climate Commitment Act in 2021, the state continues to advance additional climate policies. This session, Legislature passed laws that will develop a cohort of climate policy personnel that can help the state continue to lead on climate mitigation and resiliency (HB 1176) and update the state's climate resiliency efforts (**HB 1728**).

Other than the recycling proposals, the rest of the environmental issues were mostly non-controversial for cities. Luckily for your AWC team, there were plenty of housing bills to take up the slack.

Bill #	Description	Status
HB 1085	Plastic pollution – bottles, docks, toiletries	Law; various effective dates.
HB 1138	Drought preparedness	Law; effective July 23, 2023.
HB 1170	State climate response strategy update	Law; effective July 23, 2023.
HB 1176	Climate-ready communities – WA Climate Corps	Law; effective July 23, 2023.
HB 1728	State resiliency program	Law; effective July 23, 2023.
SB 5104	Marine shoreline habitat	Law; effective July 23, 2023.
SB 5144	Producer responsibility for batteries	Law; effective July 23, 2023.
SB 5433	Derelict aquatic structure removal	Law; effective July 23, 2023.
HB 1131	WRAP ACT – Packaging producer responsibility	Did not pass.
SB 5154	WRAP ACT – Packaging producer responsibility	Did not pass.
SB 5245	Biosolids & PFAS	Did not pass.

continued

General government

General government bills were far ranging in topic and outcome, from advisory votes to adult entertainment

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

General government bills in the 2023 legislative session covered a variety of issues, including the “Washington Voting Rights Act 2.0,” advisory votes, extreme weather grants, and adult entertainment.

While AWC fully supports voting rights and ensuring appropriate representation in all levels of government, AWC expressed concerns with portions of **HB 1048**, the so-called “Washington Voting Rights Act 2.0” due to the increase in liability exposure for cities. The bill, signed by Governor Inslee, amends the Washington Voting Rights Act (WVRA) to make it easier for a plaintiff to bring suit in court:

- **HB 1048** allows 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. The political subdivision must reimburse costs within 60 days.
- Even if an individual or organization does not prevail, the bill still allows the court to award reasonable costs for work prior to filing a claim, with no cap on those costs.
- The bill grants standing to organizations with at least one voter who resides in the political subdivision. Cohesive coalitions of members of different protected classes are also protected by the WVRA under this bill and may file notices or claims together.
- It also gives standing to tribes located at least partially in the political subdivision and allows for an increase in the number of county commissioners as a remedy to a violation of the WVRA based on tribal status claims.

AWC voiced concerns throughout session about the potential fiscal impact on cities related to the potentially unlimited recovery of costs in cases where a group does not prevail and requested an amendment to apply the \$50,000 cap on work conducted prior to filing a claim where a plaintiff doesn’t prevail but can demonstrate that they had an impact on the jurisdictions behavior and voting practices. We also requested an amendment to better define a non-prevailing plaintiff. The legislature did not add any of AWC’s recommended amendments that were intended to address liability concerns in the bill that passed. The new WVRA will be in effect January 1, 2024. Cities should work with their legal counsel to prepare for these changes.

Another bill related to elections that passed is **SB 5082** which abolishes statewide advisory votes. Advisory votes were established in 2008 with the enactment of Initiative 960. The results are nonbinding, but the idea was to allow voters to advise the legislature whether to repeal or maintain a tax increase. Instead of advisory votes, **SB 5082** requires the state Office of Financial Management (OFM) to create a website each year by August 15 with fiscal information related to the most recent legislative session. Voters’ pamphlets will contain information about the OFM website.

Another bill that passed is **HB 1234**. **HB 1234** allows seizure and forfeiture of abused or neglected animals in certain circumstances and will help prevent situations where an animal is seized and then cannot be prepared for adoption because there is a legal entanglement about ownership.

continued

One bill that did not pass but is likely to return next year is whether to allow liquor licenses for adult entertainment establishments and how best to ensure protections for patrons and employees of these businesses. **SB 5614** would have made several changes to the adult entertainment industry, including additional trainings and security requirements, allowing liquor to be served, and prohibiting state and local governments from adopting certain restrictions related to adult entertainers. AWC spoke to the bill during a legislative work session, expressing our support for safe workplaces, that if liquor is to be served that existing liquor license laws be adhered to, and that existing zoning authority be maintained. The bill did not pass, but we anticipate this issue will return in 2024.

Another recurring topic is whether to allow cities to switch to even-year elections. **SB 5723** did not make it out of the Senate, but we will not be surprised if this issue comes back sometime in the future.

A couple concerning bills impacting city liability costs saw action early, but ultimately did not make it through session. One of the bills was **HB 1025**, which would have greatly increased city liability for alleged police misconduct by eliminating qualified immunity and allowing a private right of action against police and police departments. Another bill, **SB 5059**, would have allowed interest on tort claims to start accruing from the time the plaintiff's injury occurred (as opposed to after a final judgment in court), which in some cases could be years before a city is made aware of the claim. Neither bill survived the mid-session cutoffs but could come back next year. AWC opposed both bills along with other local governments.

Lastly, AWC supported **HB 1012** which would have established a grant program for local government expenses related to extreme weather events. This could include emergency warming/cooling centers, measures taken related to poor air quality from wildfire smoke, and generally taking care of the vulnerable in extreme weather situations. AWC will continue to support state funding for cities to do the work necessary to protect and care for our residents.

Bill #	Description	Status
HB 1048	Expands the Washington Voting Rights Act.	Law; effective January 1, 2024.
HB 1234	Clarifies and expands the authority for law enforcement agencies and local animal care and control agencies to take possession of an abused or neglected animal.	Law; effective July 23, 2023.
HB 1335	Prohibits publication of personal identifying information without consent. Establishes a civil cause of action.	Law; effective July 23, 2023.
HB 1577	Municipal officers' beneficial interest in contracts	Law; effective July 23, 2023.
SB 5082	Abolishes advisory votes.	Law; effective July 23, 2023.
HB 1012	Creates grant program for local governments for extreme weather events.	Did not pass.
HB 1025	Ends qualified immunity for police and creates a new private cause of action for injuries caused by police in violation of certain state laws.	Did not pass.
HB 1635	Provides immunity to law enforcement for use of police dogs in detection of fentanyl.	Did not pass.

continued

HB 1648	TSWIFT consumer protection act.	Did not pass.
SB 5059	Requires prejudgment interest on personal injury claims going back to the point of injury.	Did not pass.
SB 5356	Establishes guidelines for government use of automated decision systems.	Did not pass.
SB 5614	Allows adult entertainment nightclubs to apply for and hold a liquor license and expands safety provisions.	Did not pass.
SB 5723	Allows cities to switch to even-year elections.	Did not pass.

Legislators take notice of small city challenges – Increase limits in two critical areas

Contact: Candice Bock, Jacob Ewing

This session, legislators took action to raise contract limits helping small cities address unique challenges in their communities.

HB 1086 – Contract Limits with Community Service Organizations

Under RCW 35.21.278, cities have had the ability to bypass competitive bidding laws and contract directly with community service organizations on projects to preserve, maintain, and enhance local parks, trails, and open spaces. Since 1988, these contracts have been limited to \$25,000 or two dollars per resident within the city limits, whichever is greater.

HB 1086 increases the total annual contract limit to \$75,000 or two dollars per resident, whichever is greater. This increase will be beneficial to cities with a population under 12,500 as it will greatly expand the scope of projects with which they can partner with community service organizations.

Examples of potentially allowable projects include: drawing design plans, improving parks and public spaces, providing maintenance services for a facility, building tiny houses for low-income housing.

HB 1577 – Contract Limits with Municipal Officers

The State has always had strict rules regarding when and how municipal officers can directly or indirectly financially benefit from a contract with a local government. One exception to these rules is when the contract falls under a certain dollar limit.

HB 1577 increases contract limits between cities and municipal officers from \$1,500 a month to \$3,000 a month. This is the first increase to this limit since 1999. Additionally, the bill allows second class cities, towns, or non-charter optional code cities to exceed the \$3,000 monthly limit but cannot exceed \$36,000 in any calendar year. This increased limit will aid small cities as they respond to emergent needs and issues in their communities.

Bill #	Description	Status
HB 1086	Contract limits with community service organizations	Law; effective July 23, 2023
HB 1577	Contract limits with municipal officers	Law; effective July 23, 2023

continued

Homelessness

Legislation specific to homelessness was light

Contact: Carl Schroeder, Shannon McClelland

In contrast to the extremely busy year on the housing front, legislation specific to homelessness was much less prominent this year. A grand total of three lines of new statutory language, to be specific. New session law directs the State Building Code Council to adopt standards for temporary emergency shelters and make them available for local adoption.

We attribute this change from previous years to the significant attention that was given to proposals to spur more housing construction as a critical part of the response to homelessness itself. In addition, there was continued attention in the budgets, for which you can review homelessness related investments here (https://wacities.org/docs/default-source/legislative/2325budgetmatrix261a452a-45d9-4c4a-8e18-4d66c8409449.pdf?sfvrsn=6081264f_27).

Bill #	Description	Status
SB 5553	Temporary emergency shelter building standards	Law; effective July 23, 2023. State Building Code Council must adopt rule by July 1, 2026.
HB 1518	Parking at rest areas	Did not pass.
SB 5487	Parking at rest areas	Did not pass.
SB 5730	Vehicle residences/impound	Did not pass.
SB 5737	Vehicle residences/impound	Did not pass.

continued

HR & labor relations

Busy session for HR & labor relations related bills

Contact: Candice Bock, Matt Doumit

Your AWC government relations team was busy with many important policies that received attention this session. Some policies that made the cut this year include concepts that have been tried and failed in past years.

On the workers' compensation front, two important bills made the cut. The passage of **HB 1068** allows injured employees to record their independent medical exam and is a concept that has been around for several sessions. **HB 1521** creates a duty of "good faith" for municipal employers that are self-insured for workers' compensation and defines "violations" to include coercing an injured worker to accept less than the compensation due to the worker. Penalties include fines and possible decertification of self-insured status for repeat violators. AWC opposed this bill on behalf of the 18 cities that are self-insured employers, and ultimately negotiated a compromise to avoid the creation of a private right of action and keep enforcement within the Department of Labor & Industries.

Several bills addressed what information must be shared between employers and unions, with the main ones favoring employees and unions. **HB 1200** creates a new requirement that public employers share certain employee records, like contact information, with public employee unions. AWC became neutral on this bill after it was amended to extend the timelines to more reasonable intervals. Another bill, **HB 1187**, creates a new legal privilege (like attorney-client or doctor-patient privilege) between unions and represented employees. AWC was neutral on the concept of confidentiality between workers and their union, but expressed concerns that the bill's language is too broad and will unfairly disadvantage employers in court and interfere with an employer's ability to manage staff and investigate misconduct. Both **HB 1200** and **HB 1187** passed this year.

Another information sharing bill, **HB 1320**, would have required employers to provide employees with their complete personnel file upon request within 15 business days or face stiff penalties, a high cost for some smaller cities. In spite of strong labor support, the bill failed to advance in the Senate over concerns raised about the cost to employers, particularly small employers.

Two bills that passed in 2023 aim to improve the state's popular Paid Family & Medical Leave program. First, **SB 5286** changes the way that the Employment Security Department calculates premiums, raises the premiums cap, and makes other changes to address program solvency. The bill adopts the recommendations of the PFML Premiums Task Force, which met last year to address chronic cash flow issues the PFML program is facing. The second bill, **SB 5586**, is a partial response to long-standing employer requests and allows ESD to share certain employee claims information with employers to help them manage their internal leave programs. It was watered down slightly in response to privacy concerns but should still provide employers access to useful claims data they currently don't get. AWC supported both bills.

continued

Finally, the legislature did away with a 20-year-old, voter-approved ban on ergonomics rules to prevent musculoskeletal injuries with the passage of **SB 5217**. The bill does put sideboards on rulemaking however, and only permits L&I to adopt rules for risk classes that are significantly above the state average for musculoskeletal injuries claims. A version of this bill was also considered in 2022.

You can see more about what HR & labor relations bills did and didn't pass in the 2023 bill chart below.

Bill #	Description	Status
HB 1068	Permits an injured worker to make an audio or video recording of their independent medical examination, and/or have a witness of their choosing present.	Law; effective July 23, 2023
HB 1106	Expands access to unemployment insurance benefits by adding circumstances where a person may voluntarily quit for good cause	Law; effective July 23, 2023
HB 1200	Requires public employers to provide certain employee records to public employee unions within 21 days for new hires, and every 120 days for all employees in each bargaining unit.	Law; effective July 23, 2023
HB 1187	Creates a new legal privilege between union representatives and represented employees.	Law; effective July 23, 2023
HB 1217	Requires wages owed plus 1% per month interest on receipt of an employee wage complaint. Creates L&I wage theft workgroup.	Law; effective July 23, 2023
HB 1491	Prohibits employer from searching an employee's private vehicle located on the employer's premises. Employees may keep any legal private property in their vehicle. Includes exceptions.	Law; effective July 23, 2023
HB 1521	Creates a duty of "good faith" for municipal and private firefighter employers that self-insure for workers' comp. Includes penalties. Enforced by L&I.	Law; effective July 1, 2024
SB 5217	Permits L&I to adopt ergonomics rules preventing musculoskeletal injuries and requires certain considerations for rulemaking. Limits adoption of rules to risk classes meeting certain criteria.	Law; effective July 23, 2023
SB 5286	Changes the formula used for calculating PFML premiums, raises the premiums cap to 1.2%, and makes other changes to address PFML's recent solvency issues.	Law; effective July 23, 2023
SB 5586	Permits ESD to share certain records on an employee's PFML claim with employers.	Law; effective January 1, 2024
HB 1011	Repeals the WA Cares Fund long term care program.	Did not pass.
HB 1136	Requires employers to reimburse employees for all necessary expenditures and losses incurred as part of their duties.	Did not pass.
HB 1320	Requires employers to provide employees their employment records within 15 business days or face stiff penalties.	Did not pass.
HB 1785	Makes emergency-era COVID-19 a presumptive occupational disease for the purposes of workers' comp.	Did not pass.
SB 5274	Permits hiring of lawful permanent US residents and eliminates English language proficiency requirements for city fire and police.	Did not pass.
SB 5327	Requires state & local governments to pay interns minimum wage.	Did not pass.
SB 5417	Prohibits an employer from disciplining an employee for refusal to attend employer-sponsored religious or political activity.	Did not pass.
SB 5485	Permits state and local governments to reimburse employees for childcare or adult dependent care expenses incurred during work-related travel.	Did not pass.

continued

Human services

Behavioral health was a significant priority for the 2023 legislative session

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

In 2023 the legislature prioritized improvements to behavioral health resources across the state. For cities, the most impactful bills were **HB 1134**, **SB 5120**, and **SB 5440**.

The first two, **HB 1134** and **SB 5120** improve the 988 and crisis behavioral health systems. **HB 1134** expands and updates the 988 system to provide a more robust response when an individual calls 988 in a mental or behavioral health crisis. 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. AWC supports expansion of the 988-line to provide cities with a more robust service for their residents.

Similarly, **SB 5120** creates a new framework for 23-hour crisis stabilization facilities. The goal is to eventually ensure that there is always someplace that an individual can go when experiencing a mental or behavioral health crisis. The centers are intended to function like an emergency room for mental and behavioral health crisis; people can come from a variety of referral sources including walk-ins, law enforcement, and 988, and will be triaged, stabilized, and then a plan of care established for their next steps. 23-hour crisis relief centers would be open 24 hours per day, seven days a week and accept anyone in a behavioral health crisis who walks in the door, are brought in by first responders, or are referred through the 988 behavioral health crisis system. The bill eliminates triage facilities as a behavioral health category and converts those existing triage facilities into crisis stabilization units. AWC supported this important step to expanding crisis behavioral health treatment services.

Related to this issue is the question of how the state provides for individuals charged with a crime when their mental and behavioral health concerns raise to the level of questioning their constitutional competency to stand trial. SB 5440 modifies the competency restoration system as follows:

- Requires a court to determine if there is a genuine doubt about a defendant's competency before ordering an evaluation.
- Requires jails to allow clinical intervention specialists to provide direct services and consultation for defendants waiting for competency services, allowing them to stand trial.
- Prohibits jails from substituting or discontinuing medication for a serious mental health disorder.
- Requires courts to dismiss nonfelony charges and refer defendants for services if the court finds that the defendant is amenable to services and can safely receive services in the community. This would be overseen by a forensic navigator.
- Eliminates criminal trespass in the first and second degrees from the list of per-se serious offenses in RCW 10.77.092.

In addition to the above policy improvements, the legislature also made substantial budgetary investments in behavioral health. You can read more [here](#).

Bill #	Description	Status
HB 1134	Adds additional enhancements to the 988 behavioral health crisis response and suicide prevention system.	Law; effective July 23, 2023.
SB 5120	Establishes 23-hour crisis centers as a new category of credentialed behavioral health facilities.	Law; effective July 23, 2023.
SB 5440	Related to timely competency evaluations and restoration services to persons suffering from behavioral health disorders.	Law; effective July 23, 2023.

continued

Land use & planning

Land use & planning bills, non-housing edition

Contact: Carl Schroeder, Shannon McClelland

It was a quietly productive year in the land use arena, partly because the most impactful proposal, **HB 1181**, was buttoned up last year but the House ran out of time to pass it on the final day of session. The Legislature got it across the finish line this year. The law creates new requirements for cities to plan for climate change resiliency and, for the most urban areas of the state, to take actions to mitigate greenhouse gas emissions. AWC was pleased to see that the Legislature followed through with significant planning funding grants and resources for cities to undertake this work and ensure a good outcome with the new responsibilities.

The other three bills that passed were all part of the surprisingly successful Growth Management Act (GMA) Roadmap process. After several iterations of GMA reform workgroups that did not generate actionable recommendations, several recommendations passed this year that came out of the Collaborative Roadmap Phase III work. **SB 5374** and **SB 5457** are particularly helpful for our smaller cities, allowing cities under 25,000 to adopt county critical area ordinances by reference rather than generating their own, and allowing the smallest cities to opt out of the periodic update, under certain conditions. Finally, **HB 1544** synched up the Shoreline Management Act to the new 10-year periodic update cycle of GMA comprehensive planning. It also has the special status as the rare bill that was not amended a single time in its trip through the gauntlet (AKA the Legislature).

Bill #	Description	Status
HB 1181	Climate change planning in GMA	Law; effective date July 23, 2023.
HB 1544	Shoreline program review extended to 10 years	Law; various effective dates.
SB 5374	Small city adoption of county critical areas	Law; effective date July 23, 2023.
SB 5457	Small city update cycle opt out	Law; effective date July 23, 2023.
HB 1304	Electric security fences	Did not pass.
HB 1402	Urban growth boundaries	Did not pass.
SB 5651	Environmental justice as component of GMA	Did not pass.

continued

Open government

Open government bills were debated in 2023 with little action taken

Candice Bock, Lindsey Hueer, Katherine Walton

This was a relatively quiet session for bills related to open government. In part that may have been due to the furor over claims by legislators of legislative privilege to limit disclosure of some legislative records. The Legislature is now being sued to resolve whether or not legislative privilege is a legitimate exception under the Public Records Act.

Cities have continued to express concerns about excessive litigation brought by some frequent records requestors. AWC helped craft HB 1597 and its companion SB 5571 that would have maintained transparency of public records but limited the costs and burden of frivolous public records litigation. Unfortunately, neither bill received a hearing likely as a result of the furor mentioned above.

HB 1105 would have required public agencies to include notice of the specific dates of the opening and closing of the public comment period in situations in which they were required by state law to solicit public comment. The bill passed unanimously out of the House but died in the Senate. Similarly, HB 1080 passed nearly unanimously in the House but also failed to pass the Senate. HB 1080 sought to limit the fiscal and administrative burden of responding to a public records request for body worn camera footage in situations in which the requestor was entitled to receive an unredacted copy of the footage as part of another legal process. AWC supported this bill, but it failed due to concerns about imposing costs on those that currently obtain this footage free-of-charge.

The legislature did enact one Public Records Act bill of note, HB 1533. This exempts certain personally identifying information from Public Records Act for public sector employees including city employees who are survivors of domestic violence, abuse, harassment, and stalking. The exemption applies to records of job title, address of workstations, work contact information, and bargaining unit. The employee must provide a sworn statement or other proof of being a victim of domestic violence, harassment, sexual assault, or stalking.

Bill #	Description	Status
HB 1533	Exempting disclosure of certain information of state agency employees and K-12 employees who are survivors of domestic violence	Law; effective July 23, 2023.
HB 1080	Allows charge for cost of redacting body-worn camera footage if requester entitled to no-cost, unredacted copy.	Did not pass.
HB 1105	Notice of deadlines for public comments.	Did not pass.
HB 1597/ SB 5571	Intended to reduce frivolous public records act lawsuits.	Did not pass.

continued

Pensions

Exciting pension changes this session

Contact: Candice Bock, Matt Doumit

Exciting isn't usually used to describe pensions, but for those who like to get deep into the weeds of pension policy, this was an interesting and exciting session.

Those who have been following pensions know that for many years public employers who pay into the PERS 2 system have had to pay an additional surcharge to cover the unfunded liability in the PERS 1 system. The unfunded liability formally known as the Unfunded Actuarially Accrued Liability (UAAL) is the result of the underfunding in the now closed PERS 1 system and not keeping up with the cost of providing the promised pension benefits. Public employers have been paying the 3.5% surcharge since it was established in 2009 and was projected to sunset in 2025.

SB 5294, passed this session, formally begins the process of phasing out the UAAL surcharge and establishes a new minimum rate of 0.5%. For FY 2024 the surcharge will drop to 2.5% and continue to be reduced until it reaches 0.5% in 2027.

The bill makes similar changes to the teachers' retirement system, TRS1, which faced a similar unfunded liability.

The rationale behind phasing out the UAAL surcharge was that if it continued at the current rate, the PERS 1 pension would end up overfunded. That is also not ideal because once the funds are in the pension account, they can't be used for anything else unless or until the pension program is sunset. This new surcharge plan will still address the outstanding unfunded liability without creating an overfunding scenario. It will also result in significant savings (\$172 million in the 23-25 biennium) for local government employers currently paying the surcharge.

The other pension bill of note continues the recent trend of providing ad hoc cost of living adjustments (COLAs) for PERS 1 retirees. **SB 5350** provides for another one-time 3% COLA and directs the Select Committee on Pension Policy to once again go back and study the possibility of ongoing automatic COLAs. PERS 1 wasn't designed or funded with ongoing COLAs in mind and previous looks at ongoing COLAs were incredibly expensive for a program that is already underfunded. On the bright side, for those of us who think pension policy is exciting, this means more thrills over the next year.

Bill #	Description	Status
HB 1007	Expands definitions for veteran's benefits for pensions, civil service scoring, etc. to include any armed conflicts where an expeditionary medal was awarded.	Law; effective July 23, 2023
HB 1055	Moves 911 operators to from PERS 2/3 to PSERS.	Law; effective June 1, 2024
HB 1056	Permits early retirees under 2008 ERFs to work in PERS-covered position for up to 867 hours/year without suspension of benefits.	Law; effective January 1, 2024
SB 5294	Ends existing PERS 1 UAAL and replaces with a rate schedule that reduces to 0.5% by 2027.	Law; effective June 30, 2023
SB 5350	Providing PERS 1 retirees with a one-time 3% COLA, capped at \$110 per month. Requires Select Committee on Pension Policy to study and make recommendations on automatic COLA.	Law; effective July 1, 2023
HB 1459	Establishes a permanent, automatic annual COLA for PERS 1 retirees, capped at 3%.	Did not pass.
SB 5424	Allows police depts. to adopt flexible work programs and permits part-time officers to participate in LEOFF 2 and exercise full mutual aid police powers.	Did not pass.

continued

Public safety & criminal justice

A busy session for public safety legislation, clarifying police pursuit restrictions, adopting a “Blake fix” addressing drug possession, banning assault weapons, and more

Contact: Candice Bock, Lindsey Hueer, Katherine Walton

Several key public safety and criminal justice bills became law during the 2023 legislative session. AWC successfully advocated for important reforms to police vehicular pursuit restrictions, and a statewide, workable statute that penalizes drug possession while incentivizing and encouraging treatment. In addition to these AWC priority bills, the legislature also enacted firearm restrictions, expanded the definition of “street racing,” and more.

One of AWC’s top priorities for 2023 was reforming the 2021 restrictions on law enforcement vehicular pursuits. SB 5532, which went into effect immediately upon the Governor’s signature, authorizes law enforcement to engage in a pursuit if the officer has reasonable suspicion that someone in the vehicle has committed a violent or sexual offense, or is driving under the influence. The pursuit must be necessary to identify or apprehend the person and the risk of failing to apprehend or identify the person must be greater than the safety risk of the pursuit itself. The bill also establishes training standards and supervisor notification requirements.

In 2023, AWC also prioritized a fix to the state statutes related to drug use and possession. The legislature needed to reconvene for a special session to reach consensus on this complex issue, but ultimately successfully passed SB 5536. Effective beginning July 1, **SB 5536** makes drug possession or use a gross misdemeanor. The bill emphasizes treatment and encourages an individual to engage in treatment in lieu of criminal conviction. You can find more detailed information in last week’s article on the special session. AWC supported the final version of **SB 5536**, which included many of the changes cities requested. It is not a perfect solution, but it is substantially better than many of the prior versions of the bill, and ultimately is a workable statewide standard to criminalize drug use and possession.

In addition to these AWC-priority bills, the legislature adopted a number of other public safety and criminal justice bills. Of note, gun control was a major topic this session. **HB 1143** requires a 10-day waiting period to purchase a firearm and the purchaser must also show completion of a firearms safety training program. Washington also became the 10th state to ban assault weapons generally with the passage of **HB 1240**.

Lastly of note is **SB 5606** pertaining to street racing. **SB 5606** expands the definition of street racing to include “drifting,” as well as activities on off street locations such as ingress and egress, and public parking lots. The vehicle used to race is subject to impoundment and forfeiture.

continued

The chart below lists the public safety bills relevant to cities. We anticipate that many of the items that did not pass in 2023 will return next year, particularly legislation related to impaired driving as well as the question of liability for law enforcement use of force.

Bill #	Description	Status
HB 1028	Supports crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.	Law; effective July 23, 2023.
HB 1077	Expands access for courthouse facility dogs and their handlers.	Law; effective July 23, 2023.
HB 1143	Creates new firearm permit requirements.	Law; effective January 1, 2024.
HB 1169	Concerns legal financial obligations (LFOs).	Law; effective July 23, 2023.
HB 1177	Creates a missing and murdered indigenous women and people cold case investigations unit.	Law; effective July 23, 2023
HB 1209	Creates a class C felony for any person to possess, purchase, deliver, sell, or possess with intent to sell a tableting or encapsulating machine that would be used to process controlled substances.	Law; effective July 23, 2023.
HB 1240	Bans the sale of assault weapons in Washington.	Law; effective March 25, 2023.
HB 1312	Allows a person who is 80 years of age or older to be excused from jury service based on an attestation that the person is unable to serve due to health reasons.	Law; effective July 23, 2023.
HB 1335	Creates a civil cause of action for doxing.	Law; effective July 23, 2023.
SB 5078	Establishes firearm manufacturer responsibility, requiring firearm industry members to establish and enforce reasonable controls.	Law; effective July 23, 2023.
SB 5128	Concerns jury diversity.	Law; effective July 23, 2023.
SB 5352	Revises the restrictions on police pursuits.	Law; effective May 3, 2023.
SB 5536	Controlled substances, counterfeit substances, and legend drug possession and treatment.	Law; effective 07/01/2023

continued

SB 5561	Expands the law enforcement community engagement project to all rural and urban counties across Washington State.	Law; effective 07/23/2023.
SB 5606	Illegal street racing.	Law; effective January 1, 2024.
HB 1104	Alters the current requirements for deferred prosecution for those charged with multiple DUI or physical control of a vehicle under the influence (PC) charges in their lifetime.	Did not pass.
HB 1387	Creates a study on creating a pool of law enforcement applicants for police departments.	Did not pass.
HB 1440/ SB 5434	Raises the age of the juvenile court's jurisdiction.	Did not pass.
HB 1445	Gives the Washington Attorney General (AG) the authority to investigate and address law enforcement and local corrections agency misconduct through investigations and legal actions.	Did not pass.
HB 1492	Relief for persons affected by <i>State v. Blake</i> .	Did not pass.
HB 1493	Concerning impaired driving.	Did not pass.
HB 1513/ SB 5572	Improving traffic safety.	Did not pass.
HB 1579	Attorney General prosecution of criminal conduct arising from police use of force.	Did not pass.
SB 5002	Concerning alcohol concentration.	Did not pass.
SB 5022	Expanding access to drug testing equipment.	Did not pass.
SB 5032	Extending the felony driving under the influence lookback to 15 years.	Did not pass.
SB 5635	Victim advocate services.	Did not pass.
SB 5722	Photograph images from traffic safety cameras and toll systems.	Did not pass.

continued

Public works & infrastructure

Infrastructure funding, equity, and standardization key outcomes for public works in 2023

Contact: Brandy DeLange, Brianna Morin

The public works arena saw a flurry of activity all session long! As in years past, activity was both favorable and unfavorable to cities.

In stark contrast to the 2022 session, when the Public Works Assistance Account (PWAA) was victim to a fund sweep with no new funds appropriated to the account, this session the PWAA received \$400 million in appropriations. What's more, long-standing diversions from the account are set to expire this July, at which point full funding will be restored to the PWAA.

Sen. Mark Mullet (D-Issaquah) introduced a pair of bills (**SB 5303** and **SJR 8201**) early in session that would have amended the State Constitution to establish the Public Works Revolving Account in the state Treasury, to be used strictly for the purpose of providing loans and grants to local governments for infrastructure projects. The existing PWAA would have remained intact; however, all moneys received from local governments in the repayment of loans made under both accounts would be paid into the revolving account. This would have ensured that loan repayment dollars from local governments were used solely for future local infrastructure loans and could not be directed to other funds by the Legislature. While the proposals were ultimately unsuccessful and the legislation failed, AWC is committed to working with the bill sponsor, the Public Works Board, and other stakeholders to refine the proposal for consideration next session.

In addition to infrastructure funding, another area of focus this session was updating and standardizing public works procurement, contracting, and employment practices.

SB 5268 was consensus legislation proposed by the Capital Projects Advisory Board (CPARB). The bill modifies the small works roster requirements and removes barriers for small businesses to bid on public works projects, with the intent to achieve greater inclusion of women, minority, or veteran-owned businesses on small works rosters. **HB 1621** standardizes the definition of "lowest responsible bidder" across cities, public utility districts, water-sewer districts, and fire districts. The bill authorizes increased bid limits if two or more trades are involved in a project and allows current employees to perform work without a contract on projects costing under \$300,000 if the type of work being performed is accepted industry practice. Implementation of the bill is delayed until CPARB formally reviews the legislation and makes recommendations to the appropriate legislative committees. The legislation is scheduled to take effect June 30, 2024.

Addressing the state's substantial need for workforce recruitment and retention, **HB 1050** requires that public works contracts awarded by a municipality and estimated to cost more than \$2 million have at least 15% of the labor hours performed by apprentices. Over time, this threshold will decrease, requiring that projects estimated to cost \$1 million or more will meet the same 15% threshold for apprenticeship utilization.

continued

Finally, neither **HB 1099** nor **SB 5726** passed this session; however, both bills contained language that AWC expects legislators will continue to prioritize and reintroduce in future legislation. The bills aimed to require that wages paid to workers of public works projects be no less than the latest prevailing wage rate in effect at the time the work is performed. AWC supports the policy of paying prevailing wages at the time work is performed and will continue working with legislators and stakeholders in crafting legislation that can be successfully implemented.

Bill #	Description	Status
HB 1050	Expanding apprenticeship utilization requirements.	Law; effective July 23, 2023.
HB 1213	Concerning compliance with labeling requirements for wipes.	Law; effective April 25, 2023.
HB 1251	Concerning water systems' notice to customers of public health considerations.	Law; effective July 23, 2023.
HB 1621	Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts.	Law; effective July 23, 2023.
SB 5088	Adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes.	Law; effective July 23, 2023.
SB 5268	Addressing equity and efficiencies in public works procurement including modifying small works roster requirements.	Law; effective July 1, 2024.
HB 1099	Requiring certain wages in public works contracts to be at least the prevailing wage in effect when the work is performed.	Did not pass.
SB 5133	Modifying the responsible bidder criteria for public works projects.	Did not pass.
SB 5303	Creating the public works assistance revolving account.	Did not pass.
SB 5418	Expanding the definition of public work.	Did not pass.
SB 5726	Concerning the prevailing wages and sick leave benefits for construction workers.	Did not pass.
SJR 8201	Creating a public works assistance revolving account.	Did not pass.

continued

Transportation

Traffic safety, project delivery, and collaborative partnerships take center stage in transportation arena this session

Contact: Brandy DeLange, Brianna Morin

Celebrated by legislators as a widely bipartisan effort, the 2023-25 transportation budget and 2022 supplemental prioritize traffic safety issues, improvements to the state ferry system, reducing carbon emissions, and a continued focus on multimodal transportation. After passing a nearly \$17 billion package last session, legislators worked this year to maintain the timely delivery of projects and legislative priorities identified in both the 2022 Move Ahead Washington package and the Connecting Washington package of 2015. In addition to these commitments, the Legislature provided funding to build more equity into the state's transportation workforce and invested in a number of programs and studies designed to increase accessibility to the state transportation system for all users.

Several city priorities and key areas of interest were included in this year's budget.

Among items of note for cities are:

- \$287 million for the Transportation Improvement Board, upholding preservation and maintenance commitments made in the Move Ahead package and funding for the Small City Pavement and Sidewalk program and Complete Streets grants.
- 70.8 million for Safe Routes to Schools Grants.
- 72.2 million for Bicycle and Pedestrian Safety Programs and Grants.
- \$25 million for federal fund exchange pilot program of Transportation Block Grant population funding and state funds.
- \$250,000 for a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state (funded by cities' portion of state gas tax revenues).
- \$11.8 million for trucking parking, including a directive to both WSDOT and the Freight Mobility Strategic Investment Board to coordinate with local jurisdictions to recommend and identify new truck parking sites and an implementation plan.

While a road usage charge (RUC) policy bill (**HB 1832**) failed to move, legislators opted to provide directives and funding to the Transportation Commission to continue research on the impacts of future mobility shifts on RUC revenues, equity, updating and assessing emerging mileage reporting methods, reducing costs of collections, conducting small-scale pilot tests, and identifying a long-term phase-in plan. However, the Governor has since vetoed the provision in the budget for a per-mile program study, stating that it "pre-supposes a per-mile fee program will be adopted despite the need to consider broader options for alternative funding sources for transportation." Similarly, the Governor vetoed a bill directing the Department of Licensing to collect vehicle odometer readings from drivers for the same reasons. As many readers are aware, as Washington transitions to permitting new car sales of only fully electric vehicles by 2030, and vehicle manufacturers begin phasing out production of gas-powered vehicles, gas tax revenues will continue to decline and serve as an unreliable revenue source for the state's transportation system. As the Governor notes, Washington must continue exploring a RUC and other revenue-generating options and identify equitable means of distributing those revenues to cities.

continued

Traffic safety was a key focus of the Legislature and was the subject of a suite of bills. Notably, legislators passed “Zach’s Law” (**HB 1004**), allowing cities to install informational signs on or near bridges, outlining the dangers of jumping where people otherwise might assume a location is safe to swim. While **SB 5514** (which would have prohibited drivers from making a right turn on red within proximity of certain facilities) and **HB 1428** (which would have allowed pedestrians to cross a roadway at any point unless an immediate danger of collision is present) did not pass, budget writers appropriated \$1 million in grant funding for local jurisdictions to implement network-wide traffic conflict screening programs using video analytics.

Finally, taking an innovative approach to ensure timely delivery of state projects, the budget directs the Joint Transportation Committee to contract with the Municipal Research Services Center to convene a workgroup to determine where the state can partner with local governments to deliver preservation and maintenance projects on state highways. This workgroup, which will consist of city, county, port, and state agency representatives, will develop recommendations on how WSDOT and local jurisdictions can work together to ensure that roadway construction projects are performed when funds are made available, especially when WSDOT does not have the capacity, but a local jurisdiction is willing and able. AWC will actively participate in this workgroup.

Bill #	Description	Status
HB 1004	Installing signs on or near bridges to provide information to deter jumping.	Law; effective July 23, 2023.
HB 1084	Concerning freight mobility prioritization.	Law; effective July 23, 2023.
HB 1125	Making transportation appropriations for the 2023-2025 fiscal biennium.	Gov. signed with partial veto. Effective May 16, 2023.
HB 1243	Concerning municipal airport commissions.	Law; effective July 23, 2023.
HB 1791	Studying the need for increased commercial aviation services.	Gov. signed with partial veto. Effective July 23, 2023.
HB 1838	Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council.	Law; effective July 23, 2023
SB 5452	Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.	Law; effective July 23, 2023.
HB 1428	Concerning pedestrians crossing and moving along roadways.	Did not pass.
HB 1832	Implementing a per mile charge on vehicle usage of public roadways.	Did not pass.
SB 5514	Prohibiting drivers from making a right turn within proximity of certain facilities.	Did not pass.
SB 5594	Concerning the operation of fully autonomous vehicles.	Did not pass.

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

Candice Bock

Director of Government Relations
candiceb@awcnet.org
Issue areas – Economic development; federal; finance; human resources & labor relations; pensions; open government

Carl Schroeder

Government Relations Deputy Director
carls@awcnet.org
Issue areas – Building codes; environment & natural resources; housing & homelessness; land use & planning

Brandy DeLange

Government Relations Advocate
brandyd@awcnet.org
Issue areas – Public works & infrastructure; telecommunications; transportation; utilities & energy

Lindsey Hueer

Government Relations Advocate
lindseyh@awcnet.org
Issue areas – Cannabis; emergency management & cybersecurity; general government; human services & behavioral health; liability; open government; public safety & criminal justice

Matt Doumit

Legislative Policy Analyst
Issue areas – Human resources & labor relations; pensions

Jacob Ewing

Special Projects Coordinator

Sheila Gall

General Counsel
sheilag@awcnet.org
Issue area – Municipal finance & taxes

Shannon McClelland

Legislative Policy Analyst
shannonm@awcnet.org
Issue areas – Building codes; environment & natural resources; housing & homelessness; land use & planning

Brianna Morin

Legislative Policy Analyst
briannam@awcnet.org
Issue areas – Public works & infrastructure; telecommunications; transportation; utilities & energy

Katherine Walton

Legislative Policy Analyst
Issue areas – Cannabis; economic development; emergency management & cybersecurity; general government; human services & behavioral health; liability; open government; public safety & criminal justice

Amy Davis

Government Relations Assistant

AWC CEO

Deanna Dawson, deannad@awcnet.org

AWC Officers

President Rob Putaansuu, Mayor, Port Orchard

Vice President Betsy Wilkerson, Councilmember, Spokane

Secretary Amy Ockerlander, Mayor, Duvall

Immediate Past President Kent Keel, Mayor, University Place

Past President Soo Ing-Moody, Mayor, Twisp

Large City Representative Keith Blocker, Councilmember, Tacoma

For a complete list of AWC Board of Directors, visit wacities.org/boardofdirectors.