From the Legislative Director

Might bi-partisanship succeed?

Last night dozens of Washington’s mayors gathered in Olympia to exchange leadership ideas and talk with legislators at a casual reception hosted by AWC. Listening to the friendly and sometimes serious chatter, it wasn’t easy to identify party affiliation. People were talking about solutions and leadership.

Along with the Governor, the 2015 Legislature faces many difficult decisions. More than any time in recent memory, the question of how to raise and spend revenue impacts everyone. Finding common ground and solutions could result in gridlock, or might fledgling efforts to work across party lines actually succeed?

The first days of legislative sessions produce lots of headlines covering the differences in priorities and perspectives. Not very bi-partisan, but that’s to be expected. It’s establishing sidebars for the serious debates to follow. That doesn’t mean that there aren’t simultaneous discussions going on behind the scenes among interests and legislators with various viewpoints and political affiliations. We’re encouraged this year that several legislators in both the House and Senate and from both political parties are working to find common ground on bills and budget ideas to help support strong cities and counties. That’s new. That’s refreshing.

Media and our attention turns to the committees that are holding work sessions and hearings on bills as they start to trickle in. If recent history (1990-2014) repeats itself during the year when a state budget must be adopted, we can expect the introduction of somewhere between 1300-1700 pieces of legislation. Of these, only about 20% will pass and most with bi-partisan support. Most of the high profile disputes you hear about result in bills not passing or being worked out in compromises.

Historically, AWC winds up tracking several hundred of the bills introduced because of the wide range of responsibilities and authorities cities have. We’ll spend a considerable amount of time working to help legislators figure out that many of them aren’t such good ideas after all. We’ll often ask for cities to reinforce these concerns with your local legislators because they care more about what you think than hearing it from us.

So as the session unfolds with slim majorities in control in both the House and Senate, the opportunity for bi-partisan dialogue is there for the taking. Cities tackle and solve things most often with little regard for partisanship. Your voices and encouragement can help make that happen in Olympia, but only if you let them be heard.

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**Budget and finance**

**Cities & counties comment on Governor’s budget proposal**
This week, legislative fiscal committees heard Governor Inslee’s budget proposal. AWC President Francis Benjamin joined with Dave Sauter, President of the Washington State Association of Counties, in asking legislators to follow the Governor’s lead in sharing a portion of the new recreational marijuana revenue, fully funding state shared revenues, investing in mental health, and refraining from sweeping critical infrastructure funds. Check out the joint letter.

**County utility tax authority proposal**
Next week, the House Local Government Committee is scheduled to hear HB 1133, which would allow counties to impose a utility tax on electricity, natural gas, sewer, cable, solid waste, water and telephone. Under current law, cities can impose a tax on the gross operating revenues earned by private utilities from operations within the boundaries of a city and by a city’s own municipal utilities. Counties do not have this taxing authority.

This proposal allows counties to impose a utility tax under the following conditions:
- The rate may not exceed 6%.
- The tax may be imposed on a utility serving city customers. However, the county must provide a credit against the tax for any utility tax imposed by a city.
- The tax may be submitted to voters but is not required to be.

AWC is reviewing this proposal and will provide comments to the prime sponsor and the Washington State Association of Counties prior to the hearing scheduled for Thursday, January 22, at 1:30 pm in the House Local Government Committee. Cities with comments about this proposal can contact AWC’s Victoria Lincoln or Serena Dolly.

**Environment and land use**

**Septic-to-sewer conversions**
On Thursday, AWC’s Carl Schroeder was joined by John Caulfield, City Manager of Lakewood, and Andy Haub Water, Resources Director for the City of Olympia, in testifying in opposition to HB 1102 and SB 5055. These companion bills would mandate that cities pay for a major portion of the cost of connecting certain properties with failed septic systems to community sewer. City voices were joined in concern with water/sewer districts, environmental advocates and the counties. A bright spot emerged in the hearing in the Senate, when Sen. Marko Liias (D-Edmonds) suggested a possible compromise which would strengthen appeal opportunities with a clear focus on evaluating whether the hookup was cost prohibitive to the homeowner and balancing that with system and environmental benefits. Stakeholders around the bill are exploring that concept. If you have thoughts on how that could work or things to consider, please share them with Carl Schroeder.

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Removal of authority to set minimum room sizes for single family residences

HB 1123 may look familiar to some of you. It is a revised approach to an issue we dealt with last year, with the goal of promoting affordable housing by eliminating minimum size standards for single family residences. Specifically, “The legislative body of a county or city... may not adopt amendments [to building codes] that regulate or restrict the minimum dimensions of habitable spaces in single-family residential buildings including, but not limited to, the minimum dimensions of floor or room area, unless the regulation is necessary for a fire, life safety, or environmental purpose.”

Some cities have indicated a willingness to accept a bill that prevented a jurisdiction from adopting a minimum gross floor area requirement for single family dwellings if the room dimensions within the dwelling meet the standards of the International Residential Code or the International Building Code.

Please provide any feedback on the proposal or the potential compromise to Carl Schroeder.

Are cities interested in a local option to send GMA challenges to superior court rather than the growth boards?

Rep. Liz Pike (R-Camas) has introduced HB 1158 which would authorize a city to adopt an ordinance providing for review of GMA related challenges by Superior Court rather than the Growth Management Hearings Boards. The bill is scheduled for public hearing in the House Local Government committee on Thursday, January 22, at 1:30 pm. Please provide feedback to Carl Schroeder.

Subjecting water/sewer district assumptions to a referendum

SB 5048 is the latest salvo in a long running effort from water/sewer districts to weaken the authority of cities to assume their operations.

This proposal would require a public referendum on the assumption if a petitioner files notice of intent to file a referendum within 10 days of the passage of an assumption ordinance and then, within ninety days, secures signatures of at least ten percent of the number of voters within the boundaries of the water-sewer district who voted in the last general election. Please provide any comments to Carl Schroeder.

Marijuana

Marijuana already big in the first week of session

Just five days into the 105 day session, marijuana has been front and center in discussions. There are already a number of marijuana related bills introduced, and many more to come. The issues surrounding marijuana include realigning and regulating medical marijuana, tax revenue distributions, and public safety issues, such as driving with open containers of marijuana and vacating marijuana related criminal convictions. AWC’s focus this session is on addressing the alignment of the medical marijuana market and sharing recreational excise tax revenue with cities.

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Cities were pleased to see that the Governor included marijuana excise tax revenue sharing in his budget proposal released in December, and we are working with several legislators on additional proposals for revenue sharing. One proposal has already been introduced, **HB 1165**, and others are anticipated next week.

**SB 5052**, sponsored by Sen. Ann Rivers (R-Vancouver), addresses medical marijuana and will be heard on Thursday, January 22, at 10 am in the Senate Health Care Committee. The bill, dubbed the Cannabis Patient Protection Act, makes some significant steps in reconciling the medical and recreational markets by requiring medical retailers to be licensed by the Liquor Control Board and establishing a patient authorization database. AWC supports this legislation; however, we anticipate that it will continue to undergo numerous revisions as it works its way through the legislative process.

Two other marijuana proposals were heard by legislative committees this week. **SB 5002**, also sponsored by Sen. Rivers, would clarify that it is a traffic infraction to consume marijuana while driving or to have an open container in the passenger area of the vehicle. **HB 1041** would allow for the vacation of certain misdemeanor marijuana convictions.

In an effort to address some of the questions about city impacts from marijuana legalization, AWC commissioned a study with BERK Consulting. BERK’s study included interviews with 10 cities across the state and looking at data from Colorado to determine how legalization is likely to impact cities and what data best measures community impacts. The complete report is available here.

**Colorado Association of Chiefs of Police hosts conference on marijuana and public health**

AWC Government Relations Analyst Jane Wall travelled to Denver this week to attend the Colorado Association of Chiefs of Police’s conference on marijuana legalization and its impact on public health and safety. Jane joined over 500 public policy makers, law enforcement, and elected officials from around the nation and world to discuss, share, and learn about the impact of medical and recreational marijuana. Presenters used their time to counsel conference attendees on Colorado’s experience and the lessons learned in this shift in public policy. Much of their experience is similar to Washington, but Washington has also fared better in some aspects. Colorado began selling recreational marijuana on January 1, 2014, while Washington started in July of the same year. This six month period allowed Washington the opportunity of learning from Colorado’s experiences, including learning from some of its unfortunate incidents. Braving snow, cold and the suburban sprawl of Denver, Jane spent three days learning about marijuana’s impact in an array of subject areas. Sessions included:

- **Marijuana’s impact on youth:** One of the more compelling sessions of the conference were the panels dedicated to covering the impact marijuana legalization has had on youth. Colorado has seen an alarming increase in youth exposure to, and use of, marijuana. Policy makers expressed concern that youth now perceive marijuana as safe because it is legal. Policy makers and law enforcement spoke about the importance of talking to youth about marijuana use and the consequences that result from using marijuana at a young age. Specifically, presenters stressed the importance of community involvement, including participation from...
public health officials and law enforcement, on education and prevention campaigns. Presenters also spoke about the growing edibles market and the allure these have with youth. Washington was able to learn lessons from Colorado’s experiences and has placed stricter guidelines on edibles.

- **Local control**: Almost all panelists stressed the importance of local control in both the recreational and medical marijuana spheres. Local control proves to be very important in stemming youth use, as well as levying public health, prevention, and education campaigns.

- **Public health**: A number of panelists spoke about public health impacts, including medical researchers and doctors. Their perspectives spoke to both the benefits and risks associated with marijuana, with all agreeing far greater research and data collection needs to happen.

- **Medical marijuana**: Like Washington, Colorado is also struggling to reconcile its medical marijuana industry. While Colorado has gone to far greater lengths in establishing rules and regulations around medical marijuana, it continues to be plagued with the same issues Washington faces. Tens of thousands of patients continue to register for medical cards, a phenomena initially unexpected after the passage of recreational marijuana laws. Colorado also continues to deal with a small number of collective gardens that are in actuality fronts for large-scale, illegal international trafficking rings.

- **Data collection**: Colorado continues to remain ahead of Washington in its data collection of medical and recreational marijuana impacts. In August 2014, the Rocky Mountain High Drug Intensity Trafficking Area released its second annual report on marijuana impacts in Colorado. This report provides a detailed and comprehensive look at the medical and recreational industries in Colorado and their impacts on everything from impaired driving, youth and adult use, hospitalizations and diversion of Colorado marijuana outside of the state.

- **State and federal regulations**: Federal District attorneys presented the federal government’s perspective on marijuana legalization. Recreational marijuana remains illegal at the federal level, but a growing number of states are legalizing or decriminalizing the drug. Panelists discussed the 2013 Justice Department opinion, also known as the Cole Memo, that outlined the federal government’s stance on Washington and Colorado’s legalization of recreational marijuana, as well as provided thoughts on moving forward.

For detailed information covered at the conference check out the agenda and overview here.
Open government

What to expect on the public records front this session

As we move into the 2015 legislative session, here are several public records policies expected to generate debate and discussion. While bills have not yet been introduced on all of these topics, we expect they will be early in the session.

- **Commercial records cost recovery:** Today a growing number of local governments are receiving public records requests, often large in nature, from commercial entities. These entities turn around and profit from their requests, often with very little perceived public benefit in proportion to the costs associated with fulfilling the request. In an effort to mitigate the impact of these often onerous requests, local governments are seeking relief through cost recovery mechanisms. **HB 1086**, sponsored by Rep. Moeller (D-Vancouver), would provide a cost recovery mechanism so that local governments are no longer subsidizing commercial activity through public records. The bill will be heard Tuesday, January 20, at 10am in the House State Government Committee.

- **Real estate transactions and confidentiality:** Current law regarding executive sessions under the Open Public Meetings Act (OPMA) protects the confidentiality of discussions of real estate matters, but no such protection of confidential documents is recognized in the Public Records Act (PRA). At the urging of cities, the Washington State Sunshine Committee voted to recommend the same PRA protection for sensitive real estate transaction records as we do under the OPMA for executive session discussions.

- **Protecting the confidentiality of family members and guardians of children enrolled in parks programs:** Statutory provisions enacted by the Legislature in 2010 protect against disclosure of the names and identities of children enrolled in local parks and recreation programs (RCW 42.56.230). However, that same protection does not extend to the legal guardians and/or immediate family of the child. Again, after urging from cities, the Sunshine Committee voted to recommend to the 2015 Legislature these extended protections.

- **Electronic records charges:** In recognition of the trend towards requestors asking for records electronically instead of paper copies, local governments will be working with legislators on proposals to allow for agencies to charge a reasonable fee for transmitting electronic copies. Currently there is no authority for an equivalent per page cost for electronic transmission yet there are costs associated with producing electronic copies of records in response to public records requests similar to those of making a paper copy.

- **Office hours for public records inspection:** **HB 1189** would clarify when a local government with limited office hours has to respond to a public records request and impacts jurisdictions open less than 30 hours per week. It is being heard on Tuesday, January 20, at 10am in the House Local Government Committee.

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Personnel

Expanding the definition of uniformed personnel
The first week of session brought few bills related to personnel and labor relations, but we are expecting to see many more over the next couple weeks. One bill that has been introduced is HB 1122, which adds emergency dispatchers to the definition of uniformed personnel for collective bargaining. Although it has not yet been scheduled for hearing, AWC will be watching it closely along with any other proposals that would expand binding interest arbitration without addressing a city’s ability to pay.

Transportation

Senate committee holds first hearing on oil trains
On Thursday, January 15, the Senate Energy, Environment & Telecommunications Committee held a Public hearing on SB 5057 relating to the safe transport of hazardous materials. The bill is sponsored by Rep. Doug Ericksen (R-Ferndale) who is chair of the committee. There was a full two hours of public testimony in a packed hearing room.

AWC staff testified on the bill discussing some of the more general concerns cities have about planning and responding to an incident involving an oil train derailment. The bill provides some funds for emergency response equipment, but no funds for the new planning efforts that would be required of local jurisdictions. We also noted the importance of sufficient resources and authority for the Utilities & Transportation Commission to inspect and enforce railroad crossing and equipment requirements. While beyond the scope of the bill, AWC staff also brought up safety and mobility concerns in regards to at-grade rail crossings within cities.

Councilmembers Jon Snyder of Spokane and Stacia Jenkins of Normandy Park also testified about specific concerns in their communities and requested additional protections in the bill.

Sen. Christine Rolfes (D-Bainbridge Island) has also introduced Governor Inslee request legislation SB 5087, which closely follows the recommendations in the Department of Ecology Marine and Rail Oil Transport Study. This bill provides more authority and resources for the Department of Ecology and the Utilities & Transportation Commission to prevent and respond to oil transportation incidents. AWC has offered comments to the Governor that more resources be made available to local agencies who will be responsible for any initial emergency responses. SB 5087 has not yet been schedule for a hearing.

These bills are the beginning of a conversation that will likely continue throughout the legislative session. Cities can add value to the conversation by concretely explaining to your legislators the unique risks associated with oil transport in your community, how you are preparing, and what resources and assistance you need from the state to adequately protect your community.

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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 directly.

Call AWC at (360) 753-4137 or 1-800-562-8981

Dave Williams
Director of Government Relations
davew@awcnet.org

Candice Bock
Government Relations Advocate
candiceb@awcnet.org
Issue areas - Law & justice, pensions, personnel, public records, social services

Alison Hellberg
Government Relations Advocate
alisonh@awcnet.org
Issue areas - Economic development, infrastructure, transportation

Victoria Lincoln
Government Relations Advocate
victorial@awcnet.org
Issue areas - Energy, general government, municipal finance, state budget, telecommunications

Carl Schroeder
Government Relations Advocate
carls@awcnet.org
Issue areas - Environment & water, housing, infrastructure, land use, social services

Dave Catterson
Government Relations Analyst
davec@awcnet.org
Issue areas - Economic development, energy, environment & water, housing, infrastructure, land use, telecommunications, transportation

Serena Dolly
Government Relations Analyst
serenad@awcnet.org
Issues areas - Federal, municipal finance, pensions, personnel, state budget

Jane Wall
Government Relations Analyst
janew@awcnet.org
Issue areas - General government, law & justice, public records, social services

AWC Interim CEO
Luann Hopkins, luannh@awcnet.org

AWC Officers
President Francis Benjamin, Councilmember, Pullman
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