

## 2009 AWC Legislative Priorities

On November 21, 2008, the AWC Board adopted an ambitious legislative agenda for this upcoming session. The 2009 session was like no other in the last 25 years given the approximately \$9 billion state budget deficit. We knew early on that success on these issues would be difficult and only possible with significant direct city official assistance. Here is how session ended.

### MAJOR PRIORITIES

#### Infrastructure Funding

**State infrastructure funding: AWC will continue to pursue funding for infrastructure programs including:**

Community Economic Revitalization Board (CERB) - \$6.253M provided for in Capital

Budget [HB 1216](#), (AWC endorsed the Governor's \$19.3 M)

[C 497 L 09]

Communications Infrastructure-Interoperability

Washington Wildlife, Recreation & Parks Program - Capital Budget [HB 1216](#) provides \$70M. AWC endorsed \$100M. [C 497 L 09]

State Brownfield Redevelopment Funding – State MTCA funding plummeted and limited state funding opportunities. However Federal Stimulus package has identified Brownfield funding.

**Local infrastructure options and flexibility: AWC will pursue local options to enhance transportation and economic opportunities for cities including:**

Local Infrastructure Finance Tool (LIFT)

- [HB 1109](#) - Concerning the use of the local infrastructure financing tool for downtown development and redevelopment. (House Community & Economic Development & Trade 2/12) **DEAD** – see **2ESSB 5045**

Modify Alternative Public Works statutes

- [HB 1196](#) - Increasing the dollar limit for small works roster projects. [C74 L 09]
- [HB 1197](#) - Regarding alternative public works contracting procedures. [C 75 L 09]
- [HB 1199](#) – Public works funds retainage [C 219 L 09]

Modify current architect/engineering services statutes – No bill.

Update bid limits authority

- [ESHB 1847](#) – Regarding bid limits. [C 229 L 09]
- [HB 1200](#) - Expanding the ability to negotiate an adjustment to a bid price on public works to municipalities. (House State Government & Tribal Affairs 1/15) **DEAD**
- [HB 1198](#) – Public works bid limits **DEAD** – see **ESHB 1847**

Support enabling Community Facilities District legislation – No bill

Modify Community Revitalization Financing statutes

- [2SSB 5045](#) - Promoting economic development and community revitalization. [C 270 L 09]

Harmonize use of 1st and 2nd quarter local Real Estate Excise Tax

- [SHB 1744/SSB 5630](#) - Concerning real estate excise tax expenditures for parks and capital projects. (House Rules 3/2 / Senate Rules 2<sup>nd</sup> reading 2/25) **DEAD**

Pursue Street Utility authority

- [HB 1947](#) - Concerning the regulation and preservation of urban streets through a local option street utility. (House Transportation 2/3) **DEAD**

Modify the Transportation Benefit Districts statutes

- [SHB 1591](#) - Concerning the use of certain transportation benefit district funds. (House Rules 2<sup>nd</sup> reading 2/20) **DEAD**
- [SB 5428](#) – Modifying the use of certain transportation benefit district funds. – Is scheduled, will be substituted to be a companion bill to [HB 1591](#). (Senate Transportation 1/22) **DEAD**

**Stormwater funding:** The state needs to partner with cities to help fund implementation of NPDES permits at levels greater than the 2007-2009 biennium. AWC will seek such financial assistance.

- [ESHB 1614/SB 5518](#) – Established a fee on a barrel of unrefined oil – raised approximately \$120M/year for city and county stormwater projects. (Passed the House 4/25, failed to pass Senate) **DEAD**

### **Fiscal Health**

**Sales tax:** AWC will seek to allow cities to levy the .3 percent voter-approved public safety sales tax, independent of county action, and remove supplanting language and the requirement that one-third of funds be spent solely for criminal justice purposes.

- [SB 5960](#) - Authorizing cities and counties to levy and collect certain additional taxes. Legislation was introduced on city/county revenues, although it did not reflect the city legislative position. (Senate Ways & Means 2/10) **DEAD**

**Property tax:** AWC will seek an increase of the property tax cap of 1 percent for city EMS permanent levies, using inflation as the cap.

- [SB 5143](#) - Providing for an increase in the property tax limit for emergency medical care and services. This bill would have allowed annual increases of 6% or less, provided it was adopted by the voters in the next statewide general election. (Senate Ways & Means 1/13) **DEAD**
- [HB 1318](#) - Providing for an increase in the property tax limit for emergency medical care and services. This companion bill to SB 5143 would have allowed annual increases of 6% or less, provided it was adopted by the voters in the next statewide general election. (House Finance 1/19) **DEAD**
- [SB 5432](#) - Adjusting the property tax levy lid limits for certain local services. This bill would have made several changes:
  - Allow certain property tax levies (including EMS permanent levies) to use a limit factor of 1% or the rate of inflation;
  - Eliminate non-supplant requirements for multi-year levy lid lifts; and
  - Change the number of voters needed to pass an EMS levy from a three-fifths majority to a simple majority. (Senate Ways & Means 2/17) **DEAD**

In addition, AWC will assist the counties in obtaining state resources so every county can conduct annual valuations

- [ESB 5368](#) - Making provision for all counties to value property annually for property tax purposes. This bill will require the 17 counties not revaluing property annually to do so by 2014. It also requires the Department of Revenue to provide guidance and financial assistance to counties converting to annual revaluations. **[C 308 L 09]**

**Fiscal aid for distressed cities and counties:** AWC will seek an increase to the City-County Assistance Account and establish a “floor” so distributions to qualifying cities do not drop below a certain amount.

- [ESHB 1244](#) – State 2009-2011 biennial operating budget. Includes a transfer of an additional \$10 million for the city-county assistance account. **[C 564 L 09]**
- [SB 5511](#) - Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee. This bill makes several changes to the city-county assistance account, including a change to timing of certification for eligibility so cities will be able to use this information more so when developing budgets in the fall. **[C 127 L 09]**

**Oppose the requirement to tape executive sessions and any restrictions of attorney-client privilege or attorney work product** – AWC will continue to oppose a requirement to tape all executive sessions and any attempt to restrict attorney-client privilege or attorney work product.

- [HB 1676](#) - Changing open public meetings act provisions (House State Govt & Tribal Affairs 1/27) **DEAD**

**Annexation and City/County Governance Transition** – AWC will advocate for more annexation tools to facilitate annexations within urban growth areas and promote incentives to facilitate agreement among a city and county to jointly plan for and have consistent development regulations in unincorporated urban areas.

- [ESSB 5808](#) - Concerning the annexation of unincorporated areas served by fire protection districts. Establishes new fire district employee transfer criteria, service level continuation, new interlocal annexation method and 60% assessed valuation method for non-code cities. [**C 63 L 09**] *Lawsuit and Referendum filed seeking to overturn new interlocal method and non-code city 60% assessed valuation method– Referendum needs approximately 120,000 valid signatures by 7/25/09.*
- [SB 5084](#) - Regarding assessed valuation requirements for the direct petition method of annexation. (Senate Rules 2<sup>nd</sup> reading 3/5) **DEAD - Included within ESSB 5808.**

**Limiting Liability for Local Government** – AWC will continue to pursue reforms that limit joint liability for public entities; work to amend the law so that juries may be informed of seatbelt use; and support other entities that wish to advance legislation relating to establishing a willful and wanton level of misconduct for emergency workers.

- [SB 5349](#) - Revising the admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems. (Senate Judiciary 1/20) **DEAD**

**Land Use/Gambling** – AWC will defend cities’ ability to fully ban gambling and seek legislation that provides cities the ability to zone and partially ban gambling facilities

- [SHB 2162](#) - Regulating house-banked social card games. (H Rules 2<sup>nd</sup> reading 2/23) **DEAD**

**City Flexibility Package** – AWC will pursue proposals that support flexible and cost-effective options for cities to provide essential services. – *Please see attached “AWC City Flexibility Proposals”.*

## **AWC City Flexibility Proposals 2009 Legislative Session**

### **Land Use and Environmental Stewardship**

"Flex Up" what GMA Impact fees can be spent on:

- Broaden the definition of allowable transportation expenditures to include "multi-modal" (trails, transit and others).
- Cities can charge for fire, parks, roads and schools if provided by the city. Add police/public safety and emergency response facilities, as well as fire if provided by a district.
- [HB 1080](#) for fire district impact fees – H Rules 3C – **DEAD**

"Skip" the next round of Mandatory GMA updates in cities and counties

- [HB 2005](#) - Allowing qualifying counties and cities to forgo the requirements of one review and revision cycle mandated under the growth management act. - **DEAD**
- [HB 2006](#) - Granting counties and cities two additional years to comply with review and revision requirements of the Growth Management Act - **DEAD**

Reaffirm the legislative mandate to fully fund mandatory Shorelines Updates and remove the language that says we have to update by 2014 even if funding isn't provided (RCW 90.58.080(7)).

Alter the GMA and Shoreline Planning "every 7 year" update schedule to "every 10 years" to better match the availability of census information and reduce planning and potential litigation costs.

### **Fiscal Health and Flexibility**

Eliminate all non-supplant clauses.

- [2SSB 5433](#) – Modifying provisions of local option taxes. At the conclusion of the legislative session this bill was not as generous as it once was. [**C 551 L 09**]. It includes:
  - Partial elimination of non-supplanting language for the public safety and chemical dependency/mental health sales and use taxes until 2015;
  - Elimination of non-supplant language from multi-year property tax lid lifts (although in King County only for levies approved in 2009, 2010 and 2011); and
  - A reduction in the ferry district property tax rate in King County to impose an additional property tax of 7.5 cents, and authorization for King County to impose an additional property tax of 7.5 cents per \$1000 of assessed value for transit related purposes.
- [SB 5432](#) – Adjusting the property tax levy lid limits for certain local services (see previous write-up). (Senate Ways & Means 2/18) **DEAD**

### **Quality Infrastructure for Safety and Development**

Allow design build authority for projects under \$10M.

- [HB 1196](#) - [**C74 L 09 4/23**]
- [HB 1197](#) - [**C 75 L 09 4/13**]

Update 2002 bid limit authority to reflect inflationary construction costs

- [ESHB 1847](#) – [**C 229 L 09**]

Community Revitalization Financing legislation - Modify existing language to make it a more viable tool.

- [HB 1525](#) – H Community Economic Development & Trade 1/22 **DEAD**
- [2SSB 5045](#) – [**C 270 L 09**]

Local Infrastructure Financing Tool– Renew LIFT authority and eliminate one per county restriction

- [HB 1109/SB 6056](#) – H Comm EcDev & Trade 1/13 **DEAD**/ S Ways & Means 2/25 **DEAD** – see **2SSB 5045**
- [SHB 1651](#) – H Finance 2/20 **DEAD**

Real Estate Excise Tax Reform -Harmonize the first and second quarter local REET and allow its use for park maintenance.

- [SHB 1744](#) – H Rules 3/2 - **DEAD**

- [SSB 5630](#) – S Rules 2<sup>nd</sup> reading 2/25 - **DEAD**

Transportation Benefit Districts - Repeal the 10 year sunset on voter approved sales tax to enable bonding of this revenue stream.

- [SHB 1591](#) – H Rules R 2/20 - **DEAD**

Provide Municipal Stormwater Funding

- [ESHB 1614](#) – H Rules 3/2 - **DEAD**
- [SB 5518](#) – S Ways & Means 2/8 **DEAD**

Provide Cities with Street Utility Authority

- [HB 1947](#) – H Transportation 2/3 **DEAD**

Allow municipalities to participate in financing the development of water or sewer facility projects.

- [EHB 1513](#) – [C 230 L 09]

## **Community Safety & Justice**

Repealing the sunset date on allocation of offender medical costs to allow the current practice to continue

- [HB 1780](#) – H General Government Appropriations 2/10 **DEAD**
- [HB 2284](#)- H General Government Appropriations Scheduled for hearing 2/26. **DEAD**

Eliminate the statute of limitations for collection of traffic infractions.

- No bill was introduced after the interested city withdrew.

Allow jail personnel to continue to administer medication to inmates, rather than requiring medical professionals.

- [SSB 5252](#) – [C 411 L 09] It also includes a jail medication management work group to develop a model policy by December 2009 regarding the management of medications in jails.

Increasing the proportion of state public defense funding that constitutes city moneys to help comply with constitutional obligation to provide public defense to indigent defendants.

- [HB 1781/SB 5819](#) – H Judiciary 1/29/ S Judiciary 2/18 **DEAD**

Allowing a city to recover the costs of prosecuting cases that meet the statutory definition of felony by requiring counties to enter into interlocal agreements regarding county caseloads referred to cities or to provide cities reimbursement.

- [HB 1823](#) – H Judiciary 1/30 **DEAD**

## **Flexible General Government Operations**

### **Public records management:**

Limits inmates access to public records

- [HB1181](#) – H Committee on State Government & Tribal Affairs 1/14 **DEAD**
- [SSB 5130](#) – [C 10 L 09]

Providing a court procedure to enjoin the production of public records the court deems were made for the purpose of harassment.

- [HB 1316](#) – H Committee on State Government & Tribal Affairs 1/19 **DEAD**

Removes disclosure of criminal justice employee information from public records

- [HB 1317](#) – H Committee on State Government & Tribal Affairs 1/19 **DEAD**

Allows denial of public records request for previous unpaid requests

- [SB 5249](#) – S Government Operations & Elections 1/19 **DEAD**

Increases maximum per page copying charge

- [SB 5250](#) – S Government Operations & Elections 1/19 **DEAD**

Defines per page cost to include all photocopies made to fulfill the request

- [SB 5251](#) – S Government Operations & Elections 1/19 **DEAD**

Clarifies provisions of Interlocal Cooperation Act relating to local government, allowing a government to serve as a registered agent.

- [HB 1264](#) – [C 202 L 09]

Repeals use of local government archives funds for use on the Heritage Center Debt Service

- [HB 1374](#) – H Rules 3/2 - **DEAD**

## **Bills that threaten flexibility for cities**

Recreational vehicles used as primary residences in manufactured/mobile home communities

- [EHB 1227](#) – [C 79 L 09]

Limitations on rental housing inspections

- [SHB 1296](#) – H Rules 2<sup>nd</sup> reading 2/10 – **DEAD**
- [SSB 5495](#) – S Rules 2<sup>nd</sup> reading 3/3 – **DEAD**

Preempting a city's ability to regulate types of pets/livestock on newly annexed lands.

- [SHB 1831](#) – H Rules 3C – **DEAD**

Land use & climate change

- [SHB 1490](#) – H Rules 3/2 – **DEAD**
- [2SSB 5687](#) – S Rules 3/2 – **DEAD**

Electric vehicle infrastructure

- [HB 1481](#) – [C 459 L 09]
- [SB 5418](#) – S Environment, Water & Energy 1/21 **DEAD**

Height restrictions on amateur radio antennas

- [SSB 5655](#) – S Rules 3/5 – **DEAD**

Limiting cities' authority to place conditions on tent encampments of homeless persons on property owned or controlled by a church

- [ESHB 1956](#) – H Rules 3C 4/26 - **DEAD**

Crime-free rental program – Pre-empts city availability to make participation in crime-free rental housing programs mandatory.

- [ESSB 5742](#) – S Rules 4/26 – **DEAD**

Taping of executive sessions, model rules and training requirements for local governments

- [HB 1676](#) – H State Govt & Tribal Affairs 2/17 **DEAD**

Expanding provisions for filing notice of claim against a public entity.

- [HB 1553](#) – [C 433 L09]

## OTHER PRIORITY ISSUES

**Jail Funding** – AWC will advance legislation granting cities the ability to impose the 0.1% voter approved sales tax for correctional facilities. Counties, with the exception of King County, currently have this authority. Cities will also seek some influence on the counties imposition of the .1% sales tax.

**Digital Goods** – AWC will advance a broad application of sales and use taxes to transactions, regardless of the means of obtaining the good. AWC will also ensure any proposal advanced does not negatively impact the local B&O tax.

- [HB 2075](#) - Concerning the excise taxation of certain products and services provided or furnished electronically. The bill addresses most of the issues explored by the digital goods study committee to provide a broad imposition of sales taxes on digital goods and digital automated services to help secure tax neutrality for sales of these items and their tangible equivalents, regardless of whether they are downloaded, streamed or licensed.[C 535 L 09]

**Brokered Natural Gas Tax** – AWC will advance a legislative solution to the Court of Appeals decision that negatively impacted cities, by clarifying the allocation of the tax and the definition of use.

- [HB 1422](#) - Concerning the taxation of brokered natural gas and manufactured gas. The bill would have clarified the definition of “use” for the taxation of natural/manufactured gas as the first act within the state by which the taxpayer consumes the gas by burning or storing it in the taxpayer’s own facilities for later consumption.(House Rules 3/2) **DEAD**

**Public Health Funding** – AWC will work with counties and others seeking additional public health funding and ensure there is no mandated city participation in public health funding.

- [ESHB 1244](#)- Operating Budget includes maintenance of funding for local public health jurisdictions, reflecting a slight reduction from last biennium. [C 564 L 09]
- [2SHB 1985](#) – Concerning Public Health Financing. (House Rules 3/2) **DEAD**

**LEOFF Plan 1 Medical Retiree Study by DRS** - AWC will continue to work with **Department** of Retirement Systems, retirees and others on the educational effort concerning the LEOFF 1 retiree medical and long-term-care costs. We will follow up the current study outlining the problem with a 2009 interim effort to identify recommendations for solutions for cities, to the \$1.745 billion state-wide liability.

- [ESHB 1244](#) – Operating Budget includes funding for study [C564 L09]

**E 911 Funding** – AWC will work to secure additional funding for E911 systems. We will ensure the tax base is comprehensive by amending the current statute to insure the tax is levied on all technologies.

- [E2SHB 2029](#) - Concerning enhanced 911 emergency communications service. (House Rules 3C 4/1) **DEAD**

**Basic Law Enforcement Training Academy (BLEA) Funding** – AWC will work to secure state funding for BLEA to ensure that cities have adequate capacity to train new police officers.

- [ESHB 1244](#) - Operating Budget includes funding for 10 additional academies in FY 2010 and 10 additional academies in 2011. [C 564 L 09]

**Medicaid Reimbursement Rates for Ambulance Service** – AWC will advance legislation adopting ambulance reimbursement rates according to the Medicare Fee Schedule for all ambulance services. This “schedule” is more reflective of actual costs.

**Technical Changes to the Interlocal Cooperation Act** - AWC will advance a technical clean-up bill for the Interlocal Cooperation Act.

- [HB 1264](#) - Regarding the creation and registration of entities formed by public agencies – [C202 L09]

**Mitigating Medical Costs for Offenders** – AWC will continue to:

Seek removal of the two-year sunset provision in section 66 of SSB 5930, which clarifies the charging entity is responsible for offender medical costs.

- [HB 1780](#) - Repealing the expiration date for the version of RCW 70.48.130 that provides for the continuation of current practice regarding the financial responsibility for costs of medical care provided to arrestees. (House General Government Appropriations 1/29) **DEAD**
- [HB 2284](#) – Extending for one year the expiration date that addresses financial responsibility for const of medical care provided to arrestees. (House General Government Appropriations 2/24) **DEAD**

Pursue state funding to assist local jurisdictions to pay for offender medical costs.

- [HJM 4000](#) - Requesting passage of the federal act to restore payment of county health care costs. **(H Filed Sec/St 4/21)**

Seek assistance with mental health costs to reduce impacts on the criminal justice system.

**Gang Task Force Recommendations** – AWC will:

- Continue support for graffiti removal and law enforcement suppression.
- Seek new funding for gang prevention and intervention activities.

**Expanding Subject Matter Jurisdiction in Municipal Courts** – AWC will:

Continue to insist on a reasonable increase if property thresholds for must be raised for felony crimes, and seek funding to assist with this new caseload.

- [ESSB 5225](#) - Concerning crimes against property. (S Rules 3 4/26) **DEAD**
- [SB 6167](#) – Identical to ESSB 5225, raising the property thresholds for felony crimes from \$250 to \$750 [C431 L09]

Support the requirement that counties charge cases that meet the statutory definition of a felony within the threshold limits for which they are responsible, or compensate cities for assuming those cases.

- [HB 1823](#) - Allowing a city to recover the costs of prosecuting cases that meet the statutory definition of felony in certain circumstances. (House Judiciary 1/30) **DEAD**

Increasing the proportion of state public defense funding that constitutes city monies.

- [HB 1781](#) – Increasing from 10% to 42% to portion of state funding that would go to cities. (House Judiciary 1/29) **DEAD**

**Climate Change Issues** – AWC will:

Explore ways to engage cities in activities and commitments to reduce greenhouse gas emissions.

Actively share information with cities on what others are doing and how they might most effectively address local opportunities to reduce emissions.

Oppose legislation that mandates cities address this in their GMA plans and regulations and be open to legislation that helps cities continue to plan for compact, efficient and livable communities.

**Puget Sound Partnership/Action Plan** – AWC will support ideas that help protect and restore the Sound’s health and will emphasize the need to provide adequate and long-term funding to meet city obligations.

**Best Available Science Help for Smaller Cities** - AWC will pursue help for small cities either in getting the state to develop “models” that they can use to address “best available science” in their next update, or deferring the requirement to update in the smallest cities and towns that aren’t growing.

**Housing Affordability** – AWC will:

Support legislation and/or budget ideas that address housing affordability through infrastructure funding and new fiscal incentives;

- [EHB 1464](#) – Expands existing affordable housing incentive programs allowed in 2006 to crate options through development regulations, such as density bonuses within the urban growth boundaries and height and bulk bonuses projects with affordable housing components. **[C80 L09]**

Work with coalitions to identify and remove barriers to creating new affordable or workforce housing; and

Oppose new mandates or pre-emptive zoning legislation; and

Closely monitor and respond to proposed reductions in existing housing support programs for the low-income or disadvantaged.

## **ISSUES TO ENDORSE**

**Random Drug Testing for Police Officers** - AWC will endorse legislation allowing cities to conduct random drug testing for individual police departments.

- [SB 5740 /HB 1511](#) - Requiring drug testing of peace officers. (S Judiciary 1/30 / House Commerce & Labor 1/23 ) **DEAD**

**Annexation to a Fire Protection District** – AWC will endorse legislation amending RCW 52.04.061 to allow a city with a population which exceeds 100,000 to annex to a fire protection district.

**CBRNE (Chemical, Biological, Radiological, Nuclear & Explosive) Funding** -

AWC will support the Fire Chiefs’ objective of obtaining funding for the nine regional hazardous materials response teams.

- [SHB 1039/SB 5010](#) - Establishing a statewide CBRNE response program. (House Ways & Means 2/16 / Senate Government Operations & Elections 1/12) **DEAD**

**Address Operational Issues Related to the Public Records Act (PRA)** - AWC will support other local government groups to find innovative alternatives for managing public records.

**Exempting Personal Information of Citizens Who Use Public Agency Services** – AWC will support the Public Records Exemption Committee’s legislative recommendations to clarify that lists of citizens, particularly personal information about children who sign up for recreation events or other public programs, will not be disclosable.

**Elimination of Election Dates** - AWC will support reasonable proposals to eliminate election dates.

- [ESHB 1018](#)- Modifying when a special election may be held. [C 413 L 09]

**Federal Emergency Management Funding/Communications Interoperability** - AWC will continue to seek state and federal funding to meet interoperability standards.

- [ESHB 1496](#) - Changing the membership to the state interoperability executive committee. (House Rules 3C 4/26) **DEAD**

**Assault by Vehicle** - AWC will support Seattle as it works to amend current law to allow a local option for criminalizing “assault by vehicle.”

- [SB 5838](#) – (S Judiciary 2/25) **DEAD**

**Washington Traffic Safety Commission Study on First Time DUI Offenders and Public Safety Options** - AWC will oppose the “get out of jail free” proposal that would allow any first time DUI offender to qualify for a deferred sentence, and support development of standards for assessments that might lead to a first time offender qualifying for a deferral under certain circumstances.

**Increasing Collection Options for Traffic Infractions** - AWC will support increased ability, as a local option, to collect unpaid traffic infractions and support a study that would review the impacts of the *Redmond v Moore* decision that invalidated DWLS3rd suspensions.

**Allowing Jails to “Medically Assist” Inmates when delivering Prescription Drugs** - AWC will support a change in state law that allows jail personnel to assist inmates when they administer prescribed medication, and support distinguishing between large and small facilities for regulatory purposes.

- [SSB 5252](#) – The new law allows jail personnel to continue to administer medication to inmates, rather than requiring medical professionals to do it. It also includes a jail medication management work group to develop a model policy by December 2009 regarding the management of medications in jails. [C 411 L 09]

**Public Defense Funding, Standards** - AWC will support efforts to clarify that the state’s unfunded mandates statute also applies to court rules that increase costs to local governments, and support additional funding for public defense. This may be one source of state funding to assist with the additional caseloads of raising the felony threshold.

- [SB 5240](#) - Addressing the enforceability of court rules that create new nonconstitutionally mandated programs, or increase levels of service under existing programs, on any political subdivision of the state. (Senate Judiciary 1/19) **DEAD**
- [HB 1781](#) – Increasing from 10% to 42% to portion of state funding that would go to cities. (House Judiciary 1/29) **DEAD**

**Regulating Association Health Plans** - AWC will continue to support expansion of health care to more Washingtonians, while expressing a need to be able to continue meeting health mandates for LEOFF 1 members and retirees, and continuing quality coverage at reduced rates through the Benefit Trust.

- [HB 1712](#) – Concerning association health plans. (House Health Care & Wellness 1/27) **DEAD**
- [SHB 1714](#) - Concerning health insurance. (House Rules C 3/12) **Bill died, but \$753,000 was allocated in the state operating budget for the state actuary to conduct a study of the cost of providing health benefits for public employees. The Governor vetoed this section, but directed the Office of Superintendent of Public Instruction to work with the K-12 system on gathering this information to develop a strategy for K-12 employee costs.**

**Local-option Authority for Police to Address Prostitution by Targeting the “customers” who Patronize Prostitutes** - AWC will endorse this proposal by the city of Kent.

- [ESHB 1362](#) - Concerning conveyances used in prostitution-related offenses.[C 387 L 09]

**Modifying Assault in the Second Degree to Address Look-a-Like Firearms Against Police Officers (Federal Way):** AWC will endorse this proposal by the city of Federal Way, seeking a technical change in state law to allow a second-degree assault charge (*which is prosecuted as a more serious Class B felony, vs. third-degree assault charges that are prosecuted as Class C felonies*) to be filed in cases where look-alike weapons are displayed in a dangerous or potentially deadly manner toward a police officer.

- [HB 1381](#) – Concerning the assault of a law enforcement officer or other employee of a law enforcement agency. (House Public Safety 1/20) **DEAD**
- [HB 1440/SB 5413](#) – Concerning the assault of a law enforcement officer or other employee of a law enforcement agency. [C 141 L09]

**Outdoor Burning in Cities and Towns under 5,000 in Population** – AWC will:

- Work with cities and DOE to help small cities develop programs that allow them to dispose of residential yard waste by means other than burning.
- Continue to work with Legislators to evaluate how best small cities should deal with residential yard waste issues.

## ISSUES TO STRONGLY DEFEND AGAINST

**County-Wide Utility Tax** – AWC will oppose a county-wide utility tax. If a utility tax proposal is advanced, then AWC will address city provided utilities outside the incorporated boundaries and the ability to tax other public entities inside the city.

**B&O Tax** - AWC will oppose changes advanced that would further negatively impact local B&O tax revenues.

- [HB 1874/SB 5737](#) - Concerning compliance with sales, use, and business and occupation tax requirements. This bill would have prohibited cities from levying a business license or B&O tax on sales of tangible personal property where tax liability is solely based on deliveries, whether by common carrier or a company's own truck.  
(House Finance 1/30 / Senate Ways & Means 1/29) **DEAD**

**Business License Nexus** – AWC will oppose changes limiting when cities can impose a business license or reduce the associated revenue.

- [HB 1874/SB 5737](#) - Concerning compliance with sales, use, and business and occupation tax requirements. This bill would have prohibited cities from levying a business license or B&O tax on sales of tangible personal property where tax liability is solely based on deliveries, whether by common carrier or a company's own truck.  
(House Finance 1/30 / Senate Ways & Means 1/29) **DEAD**

**Expansion of Presumptive Duty Related Illness** – AWC will oppose inclusion of LEOFF Plan 2 law enforcement officers under the occupational disease presumption that currently covers fire fighters. AWC will also oppose expanded coverage for firefighters.

- [HB 1932](#) – Regarding presumptive occupational diseases affecting firefighters.  
(House Commerce & Labor 2/3) **DEAD**

**NFPA Standards** – AWC will oppose additional staffing standards for fire suppression operations.

**Prevailing Wages** – AWC will oppose legislation that would expand the definition of a “public work” for which the payment of prevailing wages would apply to “any job with a public connection.”

- [SHB 1786/SSB 5904](#) - Defining independent contractor for purposes of prevailing wage.  
(House Rules 3 / Senate Rules passed 3<sup>rd</sup> reading 3/7) **DEAD**

**Requiring PEG Programs to be Shown on Channels 2 Through 13** - AWC will oppose this issue because location and other details of PEG programming is a local franchising matter that should continue to be negotiated locally, not legislatively.

**Mandatory Residential Fire Sprinklers in New Construction** - AWC will oppose a statewide residential fire sprinkler mandate and continue to support the local options approved by the State Building Code Council.

**No Additional Diversions from the Public Works Trust Fund** -In the 2007-2009 biennium, over \$60 million was redirected from the PWTF. Although the funds were directed for local government purposes (the Job Development Fund, infrastructure rate studies, and funding for small communities), this was not a preferred choice for AWC. *The recommended position should be “More funding for infrastructure and economic development, not redirecting existing funds.”*

- [ESHB 1244](#) – Operating Budget transferred \$368 million of Public Works Assistance Account to General Fund. [C564 L09]

**Contracting Claims Legislation** – AWC will oppose any proposal that erodes our ability to receive notice and manage contracts.

**Requiring All Judges to be Elected** - AWC will continue to oppose any requirement that all judges must be elected, and consider introducing legislation that allows all judges to be appointed.

**Mandating Cities Must Allow Tent Cities** - AWC will continue to defend local authority to impose reasonable conditions on tent cities, understanding cities are not seeking authority to refuse to allow tent cities within their boundaries.

- [ESHB 1956](#) - Authorizing the housing of homeless persons on property owned or controlled by a church. (H Rules 3C 4/26) **DEAD**

## **ISSUES TO MONITOR**

**SST Mitigation** – AWC will work to:

Ensure the continuation of a full appropriation for mitigation.

- \$65M allocated for full mitigation in Governor’s proposed Operating Budget [ESHB 1244](#)  
[C 564 L 09]

Ensure the appropriate distribution of mitigation payments.

Monitor the Department of Revenue inquiry on motor vehicle definition and potential application to sourcing of farm machinery.

**Reduction in Current State-Spending** - AWC will cultivate ideas to reduce state spending and allocate savings to local governments.

**Training Costs for Police Officers** - AWC will monitor the state budget to ensure the continuation of resources to reimburse cities with ten or less full-time commissioned patrol officers, for the costs associated with police officer training.

**Authority to Provide Advance Payment of a Claim (Contract Prepayment)** - AWC would like to retain this prepayment authority authorized in [HB 2639](#) (C198 L08), and will monitor any proposals that would affect or restrict this authority.

**Concerning Human Remains** - AWC will monitor any proposals that establish a preference in statute for the re-interment of Indian remains on-site, and other proposed changes to the standardized process to stop work on construction sites, determine the origins of human remains, and work with tribes and other interested parties to re-inter established in [HB 2624](#) (C275 L08).

- [2SHB 1090](#) - Concerning human remains. (H Rules 3C 4/26) **DEAD**

**Recommendations from the Courts of Limited Jurisdiction Work Group** - AWC will monitor any efforts to introduce legislation that was considered by this work group which will mandate new responsibilities for courts.

**Water Resources - the Municipal Water Law Court Case and Other Ideas** – AWC will monitor any proposals that modify existing municipal water law.

**Helping Less “Urban” Cities Prosper** - AWC will monitor and support proposals that provide less urban cities tools they need to prosper.