



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Lorrie McKay, Intergovernmental Relations Manager
Date: January 24, 2014
Subject: 2014 LEGISLATIVE UPDATE #1

RECOMMENDATION:

Council should receive its first update on the 2014 legislative session.

BACKGROUND DISCUSSION:

The 2014 State Legislative Session opened on Monday, January 13. It is a short, 60-day session this year that will conclude March 13, 2014. At the writing of this memo, the legislature has completed its second week with a flurry of legislative proposals. In this first two weeks, our consultants (Waypoint Consulting) have identified over 80 bills as having potential impacts on the city. City staff are working diligently, having reviewed, analyzed and provided timely recommendations on 54 bills to date.

This is an update on the City's legislative interests as of January 24.

COUNCIL LEGISLATIVE COMMITTEE:

The Council's Legislative Committee (Mayor Walen, Councilmember Asher and Councilmember Marchione) meets weekly on Friday's at 3:30pm.

The Council's Legislative Committee met on January 24 to discuss the status of the city's 2014 legislative priorities (Attachment A) and other bills of interest to the City (Attachment B).

Week 1 (1/13 – 1/19)

The primary focus in week 1

1. Department review and analysis of 39 bills introduced of interest to the City
2. Review draft letter requesting a technical correction in the 2014 supplemental capital budget
3. Noting a dozen marijuana related bills introduced
4. Upcoming AWC Legislative Cities Days conference
5. King County TBD Proposal materials

Week 2 (1/20 – 1/24)

The primary focus in week 2

1. Reviewed status of City's legislative priorities
2. Summary list of bills the City is tracking and positions
3. Department review and analysis of 25 bills of interest to the City (Attachment C)
4. Review draft letter requesting a technical correction in the 2014 supplemental capital budget (Attachment D)
5. Discussed the differences of the over 20 marijuana related bills introduced
6. AWC Legislative Cities Days conference – Jan. 29 & 30

7. Discussed Eastside Human Services Forum priority bill (SB 6313) hearing scheduled 1/30
8. Approved signing onto Mayors Transportation Letter to Senators Tom, Schoelser & Nelson
9. King County TBD Proposal (City Council briefing Feb.4. County hearing scheduled Feb. 4.)

HEARINGS AND CORRESPONDENCE:

<u>Bill</u>	<u>Cmte</u>	<u>Dt/Time</u>	<u>City Rep.</u>	<u>SME</u>
HB 2349 , Redevelopment financing in apportionment dist.	HF	1/23 1:30pm	Kurt Triplett	T. Dunlap

Cmte (Committee) Legend

HF = House Committee on Finance

BILL TRACKING:

Waypoint Consulting continues to monitor bills dropped and is tracking other bills of interest to the City, while staff and the Council's Legislative Committee continue measuring them against our 2014 legislative agenda. The bill tracker on positions that the City has taken (as of January 24) is attached to this memorandum.

Matrices updated January 31, for both Kirkland's legislative priorities and an updated bill tracker will be emailed to Council in advance of the meeting on February 4.

The cutoff calendar for the 2014 regular session is attached (Attachment E). Cutoffs for the first half of the session are: The last day to read in committee reports in the house of origin, except fiscal committees and Senate Ways and Means and Transportation committees is Friday, February 7. The last day to read in committee reports from House fiscal committees and Senate Ways and Means and Transportation committees is Tuesday, February 11. And Tuesday, February 18 is the last day to consider bills in their house of origin.

- Attachments:
- A. Status of City's 2014 legislative priorities
 - B. Summary list of bills the City is tracking and positions
 - C. List of bills, City analysis and recommended positions
 - D. Letter requesting a technical correction in the 2014 supplemental capital budget
 - E. 2014 Session Cutoff Calendar

2014 Legislative Priorities and Status – City of Kirkland

Updated: January 24, 2014

Attachment A

	Legislative Priority	Bill #	Prime Sponsor	Status
1	State & local transportation revenue	HB 1954	Rep. Clibborn Sen. King	6/29/13 – Returned to House Rules
2	\$5M for the next phase of the I-405 / NE 132nd Interchange ramp design	HB 1955	Rep. Moscoso	Project & \$5M is included in House package
3	Continued state financial assistance and other tools that further the development of the CKC	LETTER	Sen. Tom	City to request technical adjustment of \$200,000 to amount awarded in 2013 Capital Budget
4	Restoration of funding to the Public Works Assistance Account that was swept in 2013	SB 6120	Sen. Hobbs	1/15 – Referred to Ways & Means
5	Restoration of local liquor revenue sharing formulas to adequately fund public safety & other local impacts of liquor consumption	HB 2067 HB 2313	Rep. Tharinger Rep. Bergquist	1/13 – Retained in Appropriations 1/15 – Referred to Appropriations
6	Support sharing marijuana revenue to address public safety needs and other local impacts	HB 2144 HB 2198 HB 2409 HB 2411 SB 5955	Rep. Condotta Rep. Carlyle Rep. Carlyle Rep. Wylie Sen. Hawegawa	1/30 – Hearing at 10am Government Accountability & Oversight 1/15 – Heard in House Finance Committee 1/21 – Heard in House Finance Committee 1/27 – Scheduled to Exec Government Accountability & Oversight 1/16 – Heard in Financial Institutions and Housing & Insurance
7	Harmonize medical marijuana regulations to reflect recreational marijuana regulations	HB 2149 HB 2233 HB 2304/ SB 6160 HB 2322 HB 2638 SB 6178	Rep. Cody Rep. Appleton Rep. Moscoso Sen. Conway Rep. Sawyer Rep. Wylie Sen. Kohl-Welles	1/23 – Exec'd from Health Care & Wellness 1/14 – Referred to House Health Care & Wellness 1/27 – Hearing at 1:30 Government Accountability & Oversight 1/16 – Referred to Commerce & Labor 1/30 – Hearing at 10am Government Accountability & Oversight 1/30 – Hearing at 10am Government Accountability & Oversight 1/24 – Exec'd from Senate Health Care
8	Oppose legislation that proposes lending products or practices that adversely impact the middle class and the poor	HB 1657 HB 2142 SB 5312	Rep. Stanford Rep. Kirby Sen. Hobbs	1/13 – Retained in Business & Financial Services 1/13 – Referred to Business & Financial Services 1/13 – Retained in Senate Rules

Bill	Title	Position	Status
Support			
SHB 1126	Concerning state fire service mobilization.	Support	1/24 – Heard in Public Safety
HB 2105	Promoting transparency by requiring public agencies post their agendas online in advance of meetings	Support	1/22 – Exec'd from Gov Ops and Elections
HB 2121	Training pub officials & employees re: public records, records mngmnt, & open public mtgs	Support	1/21 – Exec'd from Gov Ops and Elections
HB 2128	Creating a public disclosure exemption for GPS data that shows the residence of an employee or agent of a criminal justice agency.	Support	1/15 – Heard in Gov Ops and Elections
HB 2144	Establishment of a dedicated local jurisdiction marijuana fund & the distribution of a specified % marijuana excise tax revenues to locals	Support	1/30 – Hearing at 10am in Gov Acctnbly & Ovrst
HB 2149	Concerning medical marijuana.	Support - pending clarification of effect on local gov auth to regulate	1/23 – Exec'd Health Care & Wellness
HB 2150	Encouraging rec. access to private property.	support	1/21 – Exec'd Judiciary 1/23 - Referred to Rules
HB 2185	Making 2014 supplemental operating appropriations	Support (or Neutral)	1/13 – Referred to Appropriations
HB 2192	Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes.	Support	1/31 – Hearing at 8 in Gov Ops and Elections
HB 2206	Concerning the possession or use of alcohol, cannabis products, and controlled substances in sentencing provisions.	Support / Neutral	1/21 – Heard in Public Safety
HB 2214	Concerning the training of code enforcement officials.	Support	1/22 – Heard in Local Gov 1/27 - Scheduled to Exec from Local Gov
HB 2219	Concerning golf cart zones established by cities or counties.	Support?	1/22 – Hearing at 3:30 in Transportation
HB 2224	2013-2015 supplemental capital budget.	Support	1/21 - Heard in Capital Budget
HB 2234	Addressing vesting under comprehensive plans or development regulations determined to be invalid by the growth management hearings board.	Support	1/29 – Hearing at 8 in Local Gov
HB 2244	Restoring resources to the capital budget.	Support	1/30 - Hearing at 1:30 in Capital Budget
HB 2296	Addressing duplicate signatures on petitions in cities, towns, and code cities.	Support	1/22 – Exec'd from Local Gov
HB 2303	Encouraging safe & responsible sales of marijuana by authorizing the use of minors in compliance checks	Support	1/27 – Schelued to Exec Gov Acctnbly & Ovrst
HB 2312	Involving communities in enviro decision making.	Support	1/24 - Heard in Environment
HB 2349	Concerning community redevelopment financing in apportionment districts.	Support / Neutral	1/23 - Heard in Finance
HB 2368	Concerning a surcharge for local homeless housing and assistance.	Support	1/21 - Heard Comm Dev. and Hsing & Tribal Aff
HB 2382	Improving the methods for evaluation of the local infrastructure financing tool program.	Support	1/28 - Hearing at 1:30 Technology & Econ Dev
HB 2403	Exempting portions of certain records containing GIS data for sewer mains, water mains, and manholes from public disclosure.	Support	1/28 – Hearing at 10 in Gov Ops and Elections
HB 2409	Delaying the use of existing tax preferences by the marijuana industry to ensure a regulated and safe transition to the controlled and legal marijuana market in Washington.	Support	1/23 - Heard in Finance
HB 2411	Creating a tax stamp system for the sale of recreational marijuana.	Support	1/27 – Schelued to Exec Gov Acctnbly & Ovrst
HB 2539	Simplifying the taxation of amusement, recreation, and physical fitness services.	Support	1/30 - Hearing at 1:30 in Finance
Neutral			
HB 2266	Addressing small public works projects for fire depts and RFAs.	Neutral	
HB 2229	Concerning long-term funding for a state tourism marketing program.	Neutral	

Oppose			
HB 2151	Concerning recreational trails.	Oppose	1/17 – Heard in Environment
HB 2168	minimum room area and floor area square footage requirements for single-family residential areas.	Oppose	1/21 – Heard in Comm Dev and Hsing & Tribal
HB 2198	Providing tax relief to qualifying patients for purchases of marijuana for medical use.	Oppose?	1/15 Heard in Finance
HB 2233	Concerning the medical use of cannabis.	Oppose	1/14 - Referred to Health Care & Wellness
HB 2311	Addressing notice requirements for land use applications and decisions.	Oppose	1/20 – Heard in Local Gov
HB 2322	Prohibiting local governments from taking actions preventing or impeding the creation or operation of commercial mj businesses licensed by LCB	Oppose	1/15 – Hearing at 10 in Gov Acctnbly & Ovrst

Bill	Title	Position	Status
Support			
SB 5955	Establishing WA publicly owned trust to create a financing infrastructure to implement I-502 compliant with the US AG's guidance letter of 8/29/13, thereby providing resources for public infrastructure & other public purposes.	Support	1/16 – Heard in Financial Institutions and Housing & Insurance
SB 5964	Training pub officials & employees re: public records, records mngmnt, & open public mtgs	Support	1/16 – Heard in Gov Ops
SB 5971	Concerning the continuity of government and operations in the event of an emergency, disaster, or attack.	Support	1/27 – Hearing at 10 in Gov Ops
SB 6001	Making 2013-2015 supplemental transportation appropriations.	Support (or neutral)	1/13 – Referred to Transportation
SB 6002	Making 2014 supplemental operating appropriations.	Support (or Neutral)	1/15 - Heard in Ways & Means
SB 6018	Concerning the training of code enforcement officials.	Support	1/31 - Hearing at 8 in Commerce & Labor
SB 6020	2013-2015 supplemental capital budget.	Support	1/14 - Referred to Ways & Means
SB 6158	Encouraging safe and responsible sales of marijuana by authorizing the use of minors in compliance checks and addressing identification and manufacturing.	Support	1/16 – Referred to Commerce & Labor
SB 6178	Aligning the medical marijuana system with the recreational marijuana system.	Support all but Section 2	1/24 – Exec'd from Commerce & Labor
SB 6227	Enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices.	Support	1/21 – Heard in Transportation
SB 6313	Concerning a surcharge for local homeless housing and assistance.	Support	1/30 - Heaing at 1:30 in Financial Institutions and
Neutral			
SB 5998	Establishing the position and authority of warrant officers in first-class cities to enforce court orders and outstanding warrants.	Neutral, with concerns	1/20 – Hearing at 1:30pm in Senate Law & Justice
SB 6114	Revising local government treasury practices and procedures.	Neutral	
SB 6075	Addressing small public works projects for fire depts and RFAs.	Neutral	
Oppose			
SB 5993	Concerning a sales tax exemption provided to state and local government on purchases made with debt proceeds.	Oppose (or Neutral)	1/13 – Referred to Ways & Means
SB 5995	Local government selection of the appropriate sewer systems as part of growth management.	Oppose	1/20 – Heard in Senate Gov. Ops

Bill #	Bill Short Title	Position	Companion	Sent to LEG	Notes
HB 2105	Promoting transparency in government by requiring public agencies with governing bodies to post their agendas online in advance of meetings.	Support		1/24/2014	Clerk recommends support or neutral. We do this already. There are no penalties mentioned for non-compliance, so no apparent financial impact; it does not invalidate actions taken if not posted in accordance. It shouldn't affect us other than possibly not being able to comply in an emergency meeting situation. CM Asher supports.
HB 2121	Concerning training public officials and employees regarding public records, records management, and open public meetings requirements	Support	SB 5964	1/24/2014	This education may reduce our liability exposure. There may be financial impacts (cost of training for elected officials) however WCIA conducts regular free training for member agencies that would probably be specifically designed to comply. The PRO already does this and budgets for it.
HB 2128	Creating a public disclosure exemption for global positioning system data that shows the residence of an employee or agent of a criminal justice agency.	Support		1/24/2014	Even if the City PD would like to see this bill expanded, the bill as written would be very beneficial to the safety of law enforcement families. Clerk rec support. New Section intends a clarification and additional protection for staff (primarily fire/code/law enforcement?); it would not appear to me to have a financial or burdensome work impact.
HB 2198	Providing tax relief to qualifying patients for purchases of marijuana for medical use.	Oppose?		1/24/2014	From a purely financial perspective, recommend oppose because it negatively impacts potential revenues and appears that it might create a market in questionable healthcare provider authorizations. Seek input from others on the in the broader context.
HB 2224	Concerning the 2013-2015 supplemental capital budget.	Support	SB 6020	1/24/2014	Includes our \$1.3 million for the S. Kirkland TOD/CKC Connector. Our technical amendment, if supported would result in seeing the current amount crossed out and the new amount of \$1.5m underlined as a change to the current budget.

HB 2233	Concerning the medical use of cannabis.	Oppose		1/24/2014	CM Asher - Dual systems will make administration/prosecution much more difficult. Oppose. Staff are a little confused about what this bill would accomplish. It doesn't appear to have significant land use implications. It appears that the bill would perpetuate a separate system for dispensing medical marijuana from the new recreational marijuana system. Combining them, with strict requirements for obtaining lower taxed medical marijuana is the direction the City is advocating. (Sent to PD for review as well)
HB 2244	Restoring resources to the capital budget.	Support		1/24/2014	Finance recommends 'support' the funds are coming from improved collections, so they are not being diverted from programs that might impact us.
HB 2266	Addressing small public works projects for fire departments and regional fire authorities.	Neutral	SB 6075	1/24/2014	PW/CIP perspective is neutral. Fire perspective is oppose, suggesting it could create an unfair public perception as an unethical practice
HB 2296	Addressing duplicate signatures on petitions in cities, towns, and code cities.	Support		1/24/2014	this bill is in the best interest of all agencies (multiple signatures by same signatory only count once).
HB 2312	Involving communities in environmental decision making.	Support		1/24/2014	Wouldn't affect Kirkland, but would authorize DOE to require extra mitigation when enforcing violations affecting low income or minority communities.
HB 2349	Concerning community redevelopment financing in apportionment districts.	Neutral		1/24/2014	We are evaluating the potential benefits to Kirkland but it is extremely complex and it might be too soon to make a recommendations. It might be a few weeks before we understand how it really works. Initial concerns are how business would respond to a tax, that property owners do not get the opportunity to vote like an LID, whether the value added adds up to anything significant in re infrastructure funding,
SB 6059	Concerning charges for scanning public records.	Support		1/24/2014	This is just a needed simple update that adds the term/process of scanning.
SB 6114	Revising local government treasury practices and procedures.	Neutral		1/24/2014	It appears that the changes apply to County treasurers.

<p>CM Asher recommends support. Without something to fund the public works assistance account, cities all across the state are going to be falling further behind in maintenance of infrastructure and to support growth requirements.</p>					
SB 6120	Concerning funding the public works assistance account. Support			1/24/2014	
HB 2382	Improving the methods for evaluation of the local infrastructure financing tool program.	Support		1/24/2014	<p>CM Asher support this bill, so long as it doesn't become an unfunded mandate. Staff recommend neutral, suggesting it is unlikely to impact Kirkland. Kirkland has not used LIFT, but the reporting requirements are significant as defined in the bill, adding burdens to local governments who use the tools. Agree with the information that they are tracking and any improvements to this program. Recall that it has not been funded for some time. I would say support or neutral.</p>
HB 2403	Exempting portions of certain records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes from public disclosure.	Support		1/24/2014	<p>This issue is what we have been concerned about on our "public facing GIS". We support the new language: Those portions of records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes to the extent that they identify specific system vulnerabilities or where the release of such information may increase the risk to the agency's infrastructure or assets from criminal terrorist acts. Clerk recommends 'neutral' This may expose us to liability when making a call to exempt disclosure of these records (must defend whether disclosure risks terrorist acts). We have been disclosing this readily for a number of years, so the horse has already left the barn, so to speak. It could be useful, but may create more difficulties than it prevents due to the above; many developers and contractors seek this information.</p>
HB 2409	Delaying the use of existing tax preferences by the marijuana industry to ensure a regulated and safe transition to the controlled and legal marijuana market in Washington.	Support		1/24/2014	<p>CM Asher recommends support. Appears to exclude marijuana from a variety of agricultural and other tax breaks, which seems reasonable since it will likely be a profitable business, but probably needs to be looked at in the broader marijuana context.</p>

2014 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 2411	Creating a tax stamp system for the sale of recreational marijuana.	Support		1/24/2014	Seems reasonable if needed to ensure taxes are collected properly.
HB 2229	Concerning long-term funding for a state tourism marketing program.	Neutral		1/24/2014	CM Nixon does not support this bill saying that a non-profit advocacy organization asking to be given taxing authority by the state. They want to raise \$7.5 million dollars to run a tourism marketing program, on the backs of the lodging, food service, entertainment, retail, and transportation industries. EMW - Staff believes that in past years the WTA has not focused on the needs of small cities like Kirkland and it is questionable at least prior to the year of study that we would directly benefit from a more fully funded organization. On the other hand, without a statewide marketing effort, we are losing market share to other states, and without visitors to this state and its major destinations, Kirkland will continue to have difficulty encouraging the side trips and small town/waterfront experience that we offer.
HB 2368	Concerning a surcharge for local homeless housing and assistance.	Support		1/24/2014	Legislation is consistent with Eastside Human Services Forum legislative agenda as endorsed by the City. This fee is set to reduce by \$10 in July 2015 and then reduce by another \$20 in July 2017. This would result in a loss of 62.5% of total current funding for homelessness. King County received about \$10 million in revenue in 2012 (\$32 million state-wide). Local homeless shelter and transitional housing programs and services would be supported by this legislation. The legislation also supports jobs and earned income for landlords from rent/lease assistance.

2014 Legislative Session
Bills Dropped, Department Analysis Recommendations

HB 2539	Simplifying the taxation of amusement, recreation, and physical fitness services.	Support		1/24/2014	Been working with WRPA for over a year to get clarification on sale tax rules, and how they impact our Recreation programs and services. Which lead to the purposed change in language in this bill. Finance staff have been very helpful in the process and has good understanding of the situation from the finance end.
SHB 1126	Concerning state fire service mobilization.	Support		1/24/2014	This bill would remedy this dangerously narrow interpretation by codifying existing practice with respect to state mobilization, and does so without expanding the use of mobilization for purposes other than those already identified in both state and federal disaster response policies, including "other disasters of unprecedented size," as outlined in RCW 43.43.961.



January 25, 2014

The Honorable

P.O. Box 40448
Olympia, WA 98504-0448

Dear Senator/Representative,

In 2013, the legislature awarded the City of Kirkland \$1.3 million from the capital budget for the Phase I design and construction of a multi-modal pedestrian connection, between the new South Kirkland Transit Oriented Development public parking garage and the adjacent Cross Kirkland Corridor.

The City's original intent was to phase the project with Phase I completing the design and construction of a stairwell and pedestrian bridge; the stairwell would be constructed so that an elevator could be added under a later Phase II project. Severe elevation differences of 30-60 feet exist between the parking garage and the Cross Kirkland Corridor, accompanied by a steep slope presents special challenges in design and construction. A more comprehensive and complete cost assessment has now been concluded. The updated assessment revealed efficiencies that will allow this project to be completed in one phase, rather than in two phases as originally conceived. The assessment recommended the most cost-effective approach would be to design and construct the elevator tower, stairs, and bridge in a single phase as a prefabricated structure.

The City of Kirkland therefore respectfully requests a correction in the 2014 supplemental capital budget to its original project allocation amount of \$1.3 million for Phase I to account for this more accurate estimate. The result is a \$200,000 change to \$1.5 million. With this technical correction, we are pleased to report no Phase II project will be needed, with the entire Project being completed in a single phase.

Thank for your consideration of the City's request and please feel free to contact City Manager Kurt Triplett at 425-587-3020 if you would like to discuss this matter further.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink that reads "Amy Walen". The signature is fluid and cursive, with a long horizontal stroke at the end.

By Amy Walen, Mayor

cc: Kirkland City Council
Kurt Triplett, City Manager
Pam Bissonette, Interim Director of Public Works

2014 Session Cutoff Calendar

January 13, 2014	First Day of Session
February 7, 2014	Last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.
February 11, 2014	Last day to read in committee reports from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.
February 18, 2014	Last day to consider bills in house of origin (5 p.m.).
February 28, 2014	Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.
March 3, 2014	Last day to read in opposite house committee reports from House fiscal committees and Senate Ways & Means and Transportation committees.
March 7, 2014*	Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).
March 13, 2014	Last day allowed for regular session under state constitution.
* After the 54th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect state revenue, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.	