



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: February 14, 2012
Subject: 2012 LEGISLATIVE UPDATE No. 2

RECOMMENDATION:

Council should receive its second update on the 2012 legislative session.

BACKGROUND DISCUSSION:

At the writing of this memo the 2012 State Legislative Session is in its sixth week of a short, nine week session. The regular 2012 Session is scheduled to conclude on March 8, 2012.

At the writing of this memo, today (February 14) is the last day to consider bills in their house of origin. The cutoff calendar for the 2012 regular session shows that February 24 is the last day to read in committee reports in the opposite house, except fiscal committees and Senate Ways and Means and Transportation committees. February 27 is the last day to read in committee reports from House fiscal committees and Senate Ways and Means and Transportation committees. March 2 is the last day to consider opposite house bills (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 8 is the last day allowed for regular session under state constitution.

This is an update on the City's legislative interests as of February 14.

COUNCIL LEGISLATIVE SUBCOMMITTEE:

The Council's Legislative Subcommittee meets weekly on Friday's at 3pm (Mayor McBride, Deputy Mayor Marchione and Council Member Asher).

The Council's Legislative Subcommittee met on February 10 to discuss the status of the city's 2012 legislative priorities (Attachment A), and other bills of interest to the City (Attachment B).

Week 4 (1/30 – 2/5)

Week 4 focus was largely on follow-up to requests for information from legislators during our visits with them in Olympia the previous week. Staff added new bills to the City's bill tracker and requested staff review and recommendations. Legislative Committee members were on-call for possible weekend testimony in Ways & Means.

Week 5 (2/6 – 2/12)

Staff focus in week 5 began with Legislative Committee member Asher testifying in both House and Senate Ways & Means committees on the Fire Benefit Charge bill (Attachment C – Position Paper). Staff also prepared initial information on Kirkland Jobs & Transportation requests for Capital Budget. Legislative Committee members identified legislators to whom calls needed to be made with regard the City's priorities. Staff focused closely on Transportation Revenue bills.

Week 6 (2/13 – 2/19)

Staff focus in week 6 turned to preparation for upcoming budget discussions. A letter signed by Mayor McBride on behalf of City Council was sent to Ways & Means Committee regarding state's budget needs and city's budget needs. Staff completed Community Project Forms for BNSF Corridor Interim Trail project as well as South Kirkland Park and Ride Parking Garage Expansion project. Legislative Committee members made calls to legislators to regarding the City's priorities. With February 14th cut off, Legislative Committee members made calls to members of Rules Committees in efforts to move bills to the floor in each chamber for votes.

2011 LEGISLATIVE PRIORITIES:

A detailed matrix tracking the status (as of February 14) of Kirkland's legislative priorities is attached to this memorandum. Below is an at-a-glance summary:

2012 Legislative Priority	Bill Number	Hearing Status
State Annexation Sales Tax Credit	HB 2146	1/9 - retained in House Ways and Means
Oppose new mandates and cost shifting		See bill tracker – monitoring status of all bills.
Financial assistance for the construction of the Public Safety Building	<i>Several vehicles</i>	
Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses	<i>Several vehicles</i>	
Transfer fire hydrant-related costs from the City's General Fund to other more appropriate sources	HB 2591	Suspended
Financing options to support public/private partnerships (including flexibility in the use of existing tax sources)	HB 1881 (AWC) SB 5705	"Dead" "Dead"
Amend RCW 82.02.060 to eliminate cities' obligation to pay impact fees when exempting low-income housing from impact fee requirements.	HB 1398 SB 5524	1/27 – Passed House - yeas, 53; nays, 42; absent, 0; excused, 3
Allow cities the same Fire Benefit Charge authority that fire districts receive under RCW 52.18.010.	HB 2615 SB 6470	2/13 – Passed House - yeas, 51; nays, 46; absent, 0; excused, 1 2/14 – Passed Senate - yeas, 34; nays, 15; absent, 0; excused, 0
State funding mitigation to communities impacted by diversion caused by tolling of state facilities.	<i>Several vehicles</i>	

HEARINGS AND CORRESPONDENCE:

Bill	Cmte	Dt/Time	City Rep.	SME
SB 6470 Fire Benefit Charge authority	GOTRE	2/2 10:00am	Doreen Marchione	
HB 2615 Fire Benefit Charge authority	W&M	2/6 10:00am	Dave Asher	
SB 6470 Fire Benefit Charge authority	W&M	2/6 1:30pm	Dave Asher	
SB 6470 Fire Benefit Charge authority	LG	2/17 8:00am		

Cmte (Committee) Legend

GOTRE = House Committee on Government Operations, Tribal Relations & Election
W&M = House Committee on Ways and Means
LG = House Committee on Local Government

BILL TRACKING:

Waypoint Consulting is tracking other bills of interest to the City. To date, Waypoint has identified over 170 bills as having potential impact on or interest to the City of Kirkland and has sought the City's analysis and position on these bills. City staff reviews these bills, measure them against our 2012 legislative agenda and provide recommended positions to the Legislative Subcommittee A bill tracker from February 10 is attached to this memorandum.

A matrix updated February 21, for Kirkland's legislative priorities will be provided to Council at the dais for the meeting on February 21

Attachments: Status of city's 2012 legislative priorities
 List of bills the City is tracking and positions
 Position Paper on Fire Benefit Charge authority bill

City of Kirkland Legislative Priorities and Status: 2012 Legislative Session

Attachment A

Updated 2.14.12

	Legislative Priority	Bill #	Prime Sponsor	Status
	State Annexation Sales Tax Credit	HB 2146	Hunter/Gov	1/9 - By resolution, reintroduced & retained in present position (House Ways and Means)
1	Oppose new mandates and cost shifting			See bill tracker – monitoring status of all bills.
2	Financial assistance for the construction of the Public Safety Building	<i>Several vehicles</i>		
3	Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses	<i>Several vehicles</i>		
4	Transfer fire hydrant-related costs from the City's General Fund to other more appropriate sources	HB 2591	Rep. Eddy	1/25 – 1:30PM Heard in Local Government - SUSPENDED
5	Financing options to support public/private partnerships (including flexibility in the use of existing tax sources)	HB 2746 (AWC) SB 5705	Rep. Springer Sen. Kilmer	1/30 – Heard in Community & Economic Development & Housing - DEAD 1/9 - By resolution, reintroduced & retained in present status - DEAD
6	Amend RCW 82.02.060 to eliminate cities' obligation to pay impact fees when exempting low-income housing from impact fee requirements.	HB 1398 SB 5524	Rep. Fitzgibbon <i>(Sen White)</i>	1/27 – Passed House - yeas, 53; nays, 42; absent, 0; excused, 3 1/30 – Referred to Senate Financial Institutions, Housing & Insurance 1/9 - By resolution, reintroduced & retained in present status
7	Allow cities the same Fire Benefit Charge authority that fire districts receive under RCW 52.18.010.	HB 2615 SB 6470	Rep. Goodman Sen. McAulliffe	2/13 – Passed House - yeas, 51; nays, 46; absent, 0; excused, 1 2/14 – Passed Senate - yeas, 34; nays, 15; absent, 0; excused, 0
8	State funding mitigation to communities impacted by diversion caused by tolling of state facilities	<i>Several vehicles</i>		

Bill	Title	Position	Status
<i>Support</i>			
HB 1018	Bicyclists and motorists	2011 - Support	
HB 1033	Court actions/RCW 42.566.550	2011 - Support	
HB 1234	Security alarms, crime watch	2011 - Support	1/16 - Passed (90 yeas, 0 nays, 8 excused). 1/17 GOTRE
HB 1377	Interest arbitration panels	2011 - Support	
HB 1398	Low income housing/fee ex.	2011 - Support	1/27 - Passed (53 yeas, 42 nays, 3 excused) 1/30 FIHI
HB 1469	Landscape conservation	2011 - Support	1/12 Referred to W&M.
HB 1598	Additional REET authority	2011 - Support	
HB 1735	Clean water jobs	2011 - Support	
HB 1881	Community redevelopment financing - TIF	2011 - Support	
HB 2128	Clarifies sales tax exemption for local phone srvc	Support	
HB 2135	Charging application fee for hydraulic project permits	Support	1/9 - Retained in W&M
HB 2162	Appeal and permit procedures under SMA	Support w/concerns	1/31 - Referred to Rules 2 Review
HB 2190	Transp. Supplemental Budget	Support	2/16 - Scheduled for 3:30 hearing - Transportation
HB 2191	Police Dogs	Support	2/8 - Passed (98 yeas, 0 nays, 0 excused) 2/10 - Read into Judiciary
HB 2201	Use and governance of hearing examiners	Support	1/30 - Referred to Rules 2 Review
HB 2216	Vehicular homicide & assaault	Support	2/9 - Referred to Rules, placed on 2nd reading
HB 2253	Modernizing the functionality of the state environmental policy act	Support	2/9 - Referred to Rules, placed on 2nd reading
HB 2302	Being under the influence w/ child in the vehicle	Support	2/8 - Referred to Rules, placed on 2nd reading
HB 2390	Regarding the reissuance of a municipal storm water general permit	Support	1/13 Referred to Environment
HB 2417	Increasing \$ amount for construction of a dock that doesn't qualify as a substantial development under SMA	Support	1/30 - Passed (96 yeas, 0 nays, 2 excused) 1/31 - Referred Energy, Nat Rsrcs & Marine Waters
HB 2465	Modifying the property tax revenue limit	Support	1/16 - Referred to HWM
HB 2482	Designating innovation partnership zones.	Support	2/8 - Passed (81 yeas, 16 nays, 1 excused)
HB 2591	Regulating fire hydrant services provided by local governments	Support	Suspended
HB 2594	Concerning criminal street gangs	Support	1/31 - Referred to Rules 2 Review
HB 2615	Authorizing benefit charges for the enhancement of fire protection services	Support Priority #7	2/7 Referred to Rules 2 Review
HB 2641	Reducing nontax administration costs associated with the conduct of city and county operations.	Support	1/31 - referred to Judiciary
HB 2662	Authorizing community economic revitalization board funding to benefit innovation partnership zones	Support	2/3 - Referred to Rules 2 Review
HB 2746	Concerning community redevelopment financing in apportionment districts	Support Priority #5	1/30 - Heard in Comm Econ Dev & Housing
<i>Neutral</i>			
HB 1702	Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants.	Neutral	1/20 Placed 3rd Reading by Rules
HB 2610	Repealing provisions governing community municipal corporations	Neutral	2/9 - Placed on 3rd Reading by Rules 2/9 - Passed (56 yeas, 40 nays, 2 excused)
<i>Oppose</i>			
HB 2146	Reducing certain local sales & use tax provsns	2012 - Oppose	1/9 - Retained in W&M
HB 1082	Shoreline & growth mngmnt acts	2011 - Oppose	
HB 1088	Cty/city moratoria authority	2011 - Oppose	
HB 1300	Public Records copying costs	2011 - Oppose	
HB 2140	Concerning liquor revenue	Oppose	1/9 - Retained in W&M
HB 2143	Modifying community supervision provisions	Oppose	1/11 Heard W&M.
HB 2144	Modifying offender release provisions	Oppose	1/11 Heard W&M.
HB 2403	Exempting industrial development sites from specified land use regulations	Oppose	1/13 - Read Environment
HB 2480	Regulating the documents used in complying with the growth management act	Oppose	1/16 - Referred to LG

HB 2490	Simplifying state & local tax & licensing systems	Oppose	1/16 - Referred to HWM
HB 2520	Concerning the assessment of property with substantial land use limitations	Oppose	1/17 - Referred to W&M
HB 2552	Requiring compensation for government required actions on private property.	Oppose	1/17 - Heard in Local Gov
<i>Undecided</i>			
HB 2728	Increasing flexibility and diversity of local government revenue	Concerns as drafted / AWC Rcmmd Support	1/27 - Referred to W&M 2/1 - Heard in W&M
SHB 2751	Concerning local transportation revenue	AWC Rcmmd Support	1/31 - Referred to Transportation 2/6 - Heard in Transportation 2/7 - Referred to Rules 2 Review 1/23 - Referred to Transportation
HB 2660	Addressing transportation revenue	Rcmmd Support	1/24 - Heard in Transportation 2/7 - Referred to Rules 2 Review
HB 2612	Enacting the Washington voting rights act of 2012	Concerns	2/8 - Placed on 2nd Reading by Rules 2/8 - Placed on 3rd Reading by Rules
HB 2469	Regarding boatyard storm water treatment systems	Rcmmd Neutral	2/8 - Passed (97 yeas, 0 nays, 1 excused)
HB 2671	Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW	No recommendation	1/31 - Placed on 2 Review
HB 2695	Concerning the categorical exemption of certain nonproject actions by local governments from environmental review under the SEPA	Rcmmd Support	1/25 - Referred to Environment
HB 2696	Regarding planned actions under the SEPA	Rcmmd Support	1/25 - Referred to Environment

Bill	Title	Position	Status
<i>Support</i>			
SB 5022	Court actions/42.56.550	2011 - Support	
SB 5143	Annexation/fire prot. Dists.	2011 - Support	
SB 5154	Modifying vehicle prowling prov	2011 - Support	1/25 - Moved to Rules White sheet
SB 5193	Bicyclists and motorists	Support	
SB 5198	Utility services joint mgmt.	2011 - Support	
SB 5243	Growth mgmt/local progress	2011 - Support	
SB 5244	security alarms, crime watch	2011 - Support	1/13 - Rules for 2nd reading
SB 5360	Cities & towns fiscal relief	2011 - Support	
SB 5420	Intrastate mutual aid system	2011 - Support	
SB 5524	Low-income housing/fee exemption	2011 - Support	
SB 5604	Clean water jobs	2011 - Support	
SB 5705	Community redev financing - TIF	2011 - Support	
SB 5755	Additional REET authority	2011 - Support	
SB 5922	Taxpayer accountability requiring a net benefit to the state in order to claim the benefit of a tax expenditure	Support	
SB 6001	Extend time to enforce civil judgments for damages caused by impaired drivers	Support	
SB 6008	Criminal street gangs	Support	
SB 6048	Permitting nursing homes to recycle unused prescription medicines	Support	1/11 - Heard in Health & LT Care
SB 6049	Requiring the DOH to establish a cancer drug repository program	Support	1/23 - Exec Action Taken Health & LT Care. 1/24 - Referred to W&M
SB 6051	Concerning the donation & redistbtn of unused prscrptn drugs	Support	1/11 - Heard in Health & LT Care
SB 6109	Exempting video & audio recordings of closed executive session mtgs from public inspection & copying	Support	2/2 - Passed to Rules for 2nd Reading 2/7 - Eligible to be place on 2nd Reading
SB 6130	Modernizing the functionality of the state environmental policy act	Support	2/6 - Heard in W&M 2/7 - Passed to Rules for 2nd Reading
SB 6140	Concerning local economic development financing	Support	2/6 - Heard in W&M 2/7 - Passed to Rules for 2nd Reading
SB 6146	Clarifying restrictions on the use of the PRA for purpose of obtaining records for commercial or profit-making	Support	2/6 - Exec Action GOTRE 2/7 - Passed to Rules for 2nd Reading
SB 6190	The designation of urban growth areas	Support	1/30 - Heard GOTRE
SB 6192	Defining sprawl and low-density sprawl under the growth management act	Support	1/30 - Heard GOTRE
SB 6470	Authorizing fire benefit charges	Support	2/7 - Passed to Rules 2nd Reading
SJR 8218	limit certain initiatives placed on ballot	Support	1/9 read GOTRE. 12/15 prefiled
<i>Oppose</i>			
SB 5013	Land use permit process	2011 - Oppose	
SB 5995	Urban growth area boundaries	Oppose	2/7 - Placed on 2nd Reading
SB 6176	Simplifying state & local tax & licensing systems	Oppose	2/7 - Heard in W&M
SB 6474	Changing sales tax sourcing from destination based to origin based if congress does not enact legislation requiring remote sellers to collect sales tax	Oppose	1/25 - Referred to W&M

<i>Undecided</i>			
SB 6381	Enacting the Washington voting rights act of 2012	Concerns	2/3 - Passed to Rules for 2nd reading
SB 6582	Concerning local transportation revenue options	AWC Rcmmd Support	2/3 - Passed to Rules for 2nd reading 2/7 - Placed on 2nd Reading
SB 6521	Increasing flexibility and diversity of local government revenue	Concerns as drafted / AWC Rcmmd Support	2/2 - Heard in GOTRE 2/3 - Referred to W&M 2/6 - Heard in W&M
SB 6455	Addressing transportation revenue	Rcmmd Support	1/24 - Heard in Transportation 2/6-7 - Exec Action . Passed to Rules for 2nd reading 2/7 - Placed on 2nd Reading
SB 6329	Streamlining the shoreline management act to avoid duplicative review	Rcmmd Support	1/18 - Read in Energy, Nat Rsracs & Marine
SSB 5234	collection, transportation, and disposal of unwanted medicines	Rcmmd Support	1/9 - By resolution reintroduced Rules 1/25 - Moved to White sheet 2/7 - Placed on 2nd Reading



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

February 7, 2012

Kirkland Position on Substitute HB 2615 and SB 6470

Authorizing benefit charges for the enhancement of fire protection services

1. **HB 2615 and SB 6470 solve a specific problem for a limited number of cities.** These bills by design apply to only a few cities that have annexed since 2006 or are about to annex fire district territory where a fire benefit charge is already authorized. When a city annexes fire district territory there can be a drop in border response times that impacts both jurisdictions. If a station is closed or staffing reduced by a fire district, response times in some areas can be slower from a station further away. Kirkland annexed territory from Woodinville Fire and Rescue (WFR) that already imposed a benefit charge. WFR closed a border fire station. Kirkland hired 9 firefighters and spent over a million dollars to approximate that service from a Kirkland fire station that is further away. Some new residents are getting better response times as a result and others are getting slower response times. **The purpose of the bill is to allow cities like Kirkland to ask the voters if they want more service added.**
2. **HB 2615 and SB 6470 benefit both cities and fire districts.** Before the station closure, WFR and Kirkland had approximately equal automatic mutual aid into each other's territory. Since the station closure, Kirkland has responded into Woodinville 88 times and WFR has responded into Kirkland 22 times. WFR does not have the resources to serve the border. A Kirkland benefit charge would address this gap. An increase of staffing on the borders helps both WFR and Kirkland residents. This will be true of any annexing city that borders a fire district.
3. **Fewer governments with more tools.** A voter approved fire benefit charge for cities that have annexed is an essential additional tool that allows a city to focus service to a specific sub-area of the city without a general property tax increase or the need to create a new government such as a fire authority. Cities need this in addition to the annexation sales tax credit. The credit supports all city services such as police, parks, roads and more. It may be reduced by the state and goes away in 10 years and so is not a fund that can responsibly be used for increased ongoing operations. The credit was designed to bridge a service gap, not add enhanced services. **These bills only grant authority that fire districts already have and voters must approve.**
4. **This authority would not encourage annexations.** Cities have already annexed the dense urban and commercial territories that create a surplus of sales tax and property tax revenue. The remaining annexation areas do not pay for themselves which is why the state annexation sales tax credit was created to incentivize them. This charge would not cover the gap alone and the voter approval requirement makes it too uncertain as a funding source to encourage annexation. Even if it did, that would be a positive. The state Growth Management Act mandates that annexation to cities is the appropriate local governance for urban areas.
5. **Residents want it. Voters decide.** Community leaders in Kingsgate and Finn Hill have been asking Kirkland to increase fire service in their areas after annexation. These bills create that possibility. These bills require enhanced service, and do not allow a swap out of funding sources. The bills requirements for enhanced services are a higher standard than the current fire district authority. **60% of the voters must approve the charge.** With a yes vote Kirkland, Bothell, Kenmore and Woodinville will all benefit from the enhanced service on the borders.