



## CITY OF KIRKLAND

### City Manager's Office

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## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Lorrie McKay, Intergovernmental Relations Manager  
**Date:** April 11, 2011  
**Subject:** 2011 LEGISLATIVE UPDATE 6

### RECOMMENDATION:

Council should receive a sixth update on the 2011 legislative session.

### BACKGROUND DISCUSSION:

As of the April 19 Council meeting, the 2011 State Legislative session will be in its fifteenth week. The regular session ends on April 24. April 12 is the last day to consider opposite house bills (except initiatives, budgets and matters necessary to implement the budget).

### COUNCIL LEGISLATIVE SUBCOMMITTEE:

The Council's Legislative Subcommittee meets weekly on Friday's at 4pm (Mayor McBride, Council Member Asher, and Council Member Marchione). All three members of the Legislative Subcommittee met on Friday, April 8 (Mayor McBride phoning in) to review the status of the City's legislative priorities and to focus efforts to move bills to meet the April 12 cutoff.

### 2011 LEGISLATIVE PRIORITIES:

As of April 11, seven of the City of Kirkland's ten priority bills are alive. Four priority bills have passed both chambers. One (REET Flexibility – HB 1953) is headed for the Governor's desk. The other three were amended in committee, or on the floor, and need to go back to their House of origin for concurrence (Annexation census – SB 5505, Express lane tolling on I-405 – HB 1382, and Fiscal relief & regulatory reform - HB 1478). A fifth bill (Exemption from impact fees for low income housing – HB 1398) is scheduled for a Senate floor vote. The City's funding request for the public safety building may be reflected in the Senate's Capital Budget, which is expected to be released on April 12. Finally, the cities legislative priority for new financing tools to support public/private partnerships (SB 5705) is said to be necessary to implement the budget. While this bill remains alive, its prospects do not look good.

### 2011 LEGISLATIVE SUPPORT OF ALLIES:

Of the 32 legislative items of the City's ally organizations that were selected to be supported, seven of those items (22%) are reflected in legislation that has passed. One item is awaiting a floor vote. Four the items (12.5%) are reflected in the budget process. The remaining 20 items (62.5%) either died or never actualized.

### STATUS OF HB 1812 – "Changing provisions relating to community municipal corporations":

- March 8, Heard in the Senate Committee on Government Operations, Tribal Relations & Elections
- No movement. Dead

| <b>2011 Legislative Priorities</b>  | <b>Bill Number</b>                     | <b>Hearing Status</b>  |
|---|--|--|
| Financial assistance for the construction of the Public Safety Building   | HB 1497 – Dunshee<br>SB 5467 – Kilmer  | - Project funding request submitted  |
| Flexibility in the use of Real Estate Excise Tax  | HB 1953 – Springer                     | - Passed both chambers. Headed for Governor's desk for signature                       |
| Annexation census requirements  | SB 5505 – Hill                         | - Passed both chambers. Amended in House. Must go back to Senate for concurrence.      |
| Roadway pricing tools (tolling) on I-405  | HB 1382 – Clibborn                     | - Passed both chambers. Amended in Senate. Must go back to House for concurrence.<br>- |
| New financing tools to support public/private partnerships  | HB 1881 – Springer<br>SB 5705 – Kilmer | - House bill appears dead<br>- Senate bill NTIB  |
| Streamline SEPA process   | HB 1952 – Upthegrove                   | - Bill is DEAD   |
| "Fiscal relief" bill to postpone various city reporting requirements.   | HB 1478 – Springer                     | - Passed both chambers. Amended in Senate. Must go back to House for concurrence.      |
| Support the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers | HB 1335 - Springer<br>SB 5243 - Tom    | - Both bill are DEAD   |
| Eliminate cities' obligation to pay impact fees exempting low-income housing  | HB 1398 - Fitzgibbon                   | - 4/9 – Placed on 2 <sup>nd</sup> Reading.   |
| Fire benefit authority  | (HB 1230 & SB 5155)                    | - Both bill are DEAD   |

A detailed matrix tracking the status of Kirkland's legislative priorities as of April 11 is attached to this memorandum (Attachment A).

A detailed matrix tracking the status of selected legislative items of Kirkland's ally organizations is also attached to this memorandum (Attachment B). Changes since the April 5 council meeting are highlighted in gray (dead), yellow (alive), and blue & red (passed both chambers). The status of bills that the City has been tracking is shown in Attachment C.

Matrices updated April 15 will be emailed to Council in advance of the meeting on April 19. An analysis of the proposed budget will be provided in advance of the April 19 meeting as well.

Attachments: Status of City's 2011 legislative priorities  
Status of Ally Support 2011 legislative priorities  
List of bills the City is tracking and positions

**City of Kirkland Legislative Priorities and Status: 2011 Legislative Session**  
**Updated 4.11.11**

**Attachment A**

| <b>Legislative Priority</b> | <b>Bill #</b>  | <b>Prime Sponsor</b> | <b>Status</b>  |
|-----------------------------|--|----------------------|--|
| 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  | HB 1497<br>SB 5467   | Eastside (Kirkland) Legislators<br><br>Funding request re-worked to \$1.7M without jails or firing range. Submitted via the Senate Capital Budget process.   |
| 3                           | Flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.   | HB 1953 (AWC)        | Rep. Springer<br><br><b>3/4 Passed House</b> - yeas, 79; nays, 18; absent, 0; excused, 1<br><b>4/8 – Passed Senate</b> – yeas, 28; nays, 20; absent, 0; excused, 1   |
| 4                           | Financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.   | SB 5505              | Sen. Hill<br><br><b>2/25 Passed Senate</b> - yeas, 48; nays, 0; absent, 0; excused, 1<br><b>4/1 – Passed House</b> – yeas, 92; nays, 0; absent, 0; excused, 5<br><br>* <i>Must go back to <b>Senate</b> for concurrence.</i>     |
| 5                           | Support legislation for roadway pricing tools that provides funding for high priority transportation routes, promotes multi-modal transportation modes and mitigates collateral impacts. | HB 1382              | Rep. Clibborn<br><br><b>3/5 Passed House</b> - yeas, 52; nays, 46; absent, 0; excused, 0<br><b>4/9 – Passed Senate</b> – yeas, 36; nays, 13; absent, 0; excused, 0<br><br>* <i>Must go back to <b>House</b> for concurrence.</i> |
| 6                           | Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses.  | NA                   | Monitoring bills that would restrict possible uses of the corridor and continue to bring project to legislator’s attention for future action.  |

**City of Kirkland Legislative Priorities and Status: 2011 Legislative Session**

**Updated 4.11.11**

|    |   |                          |                              |  |
|----|---|--------------------------|------------------------------|--|
| 7  | New financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans. | HB 1881 (AWC)<br>SB 5705 | Rep. Springer<br>Sen. Kilmer | Possible NTIB > Bill appears dead<br><br>Possible NTIB > Bill appears dead   |
| 8  | Streamlining the state environmental policy act process.  | HB 1952                  | Rep. Upthegrove              | 3/5 Passed House – yeas, 95; nays 2; absent, 0; excused 1<br>3/8 Read into Environment, Water & Energy<br>Bill is dead   |
| 9  | “Fiscal relief” bill to postpone various city reporting requirements.   | HB 1478                  | Rep. Springer                | <b>3/4 Passed House</b> - yeas, 86; nays, 11; absent, 0; excused, 1<br><b>4/4 – Passed Senate</b> – yeas, 49; nays, 0; absent, 0; excused, 0<br><br><i>* Must go back to <b>House</b> for concurrence.</i> |
| 10 | Support the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers   | HB 1335<br>SB 5243       | Rep. Springer<br>Sen. Tom    | Both bills are dead  |
| 11 | Amend RCW 82.02.060 to eliminate cities’ obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.   | HB 1398                  | Rep. Fitzgibbon              | <b>2/22 Passed House</b> - yeas, 86; nays, 8; absent, 0; excused, 4<br>4/9 - Placed on 2 <sup>nd</sup> reading by Senate Rules Committee   |
| 12 | Fire benefit authority  | HB 1230<br>SB 5155       |                              | Both bills are dead  |

| Legislative Support Issue   | Bill #  | Prime Sponsor   | Status   |
|---|---|---|--|
| Association of Washington Cities  |   |   |  |
| <p>Provide flexibility within current revenue and regulatory frameworks to respond to these challenging times</p> <ul style="list-style-type: none"> <li>• City fiscal flexibility package, such as greater flexibility in the expenditure of locally collected real estate excise tax (REET).</li> <li>• Fund, Flex, Repeal, Amend, Pause (FFRAP), such as delaying adoption of new storm water regulations until the existing ones are successfully implemented and funded.</li> </ul>                |   |   | See Top Priorities Sheet for Update...   |
| <p>Enact new tools to help cities recover, thrive and be efficient</p> <ul style="list-style-type: none"> <li>• Pro-active public record proposals that address some of the problems that come with the burgeoning public records requests.</li> <li>• Options for creating sustainable personnel related costs.</li> <li>• Additional tools for combating gang activity including funding for gang intervention and prevention activities.</li> <li>• Street maintenance utility authority.</li> </ul> | <p>SB 5022</p> <p>HB 1033</p> <p>SB 5025</p> <p>HB 1034</p> <p>SB 5049</p> <p>SB 5062<br/>HB 1139</p> | <p>Sen. Kilmer</p> <p>Rep. Eddy</p> <p>Sen. Hargrove</p> <p>Rep. Takko</p> <p>Sen. Kline</p> <p>Sen. Pridemore<br/>Rep. Armstrong</p> | <p><b>3/4 Passed</b> - yeas, 47; nays, 0; absent, 1; excused, 1<br/>DEAD</p> <p>HB is dead</p> <p><b>3/2 Passed</b> - yeas, 45; nays, 4; absent, 0; excused, 0<br/><b>4/6 Passed</b> - yeas, 94; nays, 0; absent, 0; excused, 3</p> <p>HB is dead</p> <p>SB is dead</p> <p>SB is dead<br/>HB is dead</p> |
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|  |   |  |  |
|--|---|--|--|
| <p>Maintain essential state revenues and authorities for cities</p> <ul style="list-style-type: none"> <li>• Ensure continued appropriation of committed state shared funds and preserve existing local revenue authorities.</li> <li>• Preserve infrastructure funding such as the Public Works Trust Fund and storm water funding.</li> <li>• Retain current authorities – neither add new requirements or take any away.</li> </ul> | <p>HB 1086</p> <p>HB 1497<br/>SB 5467</p> | <p>Rep. Hunter</p> <p>Rep. Dunshee<br/>Sen. Kilmer</p> | <p>Passed by House 2/17. Passed by Senate 2/18 Governor partially vetoed.</p> <p>Governor’s proposed 11-13 capital budget funds all projects on the PWTF list. Capital budgets in the House and Senate won’t come out until much later in the session.</p>   |
| <p>Cascade Water Alliance</p>  |   |  |  |
| <p>Clarify and improve the tools available to voluntarily provide utility services on a joint basis.</p>   | <p>HB 1332</p> <p>SB 5198</p>             | <p>Rep. Eddy</p> <p>Sen. Pridemore</p>                 | <p><b>2/22 Passed</b> - yeas, 92; nays, 2; absent, 0; excused, 4<br/><b>4/8 Passed</b> - yeas, 40; nays, 8; absent, 0; excused, 1</p> <p>SB is dead</p>  |
| <p>Eastside Human Services Forum</p>   |   |  |  |
| <ul style="list-style-type: none"> <li>• Maintain the current investment in home visiting funding and advocate for evidence-based home visiting programs such as Healthy Start by the federal government.</li> <li>• Maintain current funding for Washington Information Network (2-1-1) and improve quality and accessibility of services.</li> </ul>   |   |  | <p>The Governor’s and House supplemental budget proposal make up an error of \$300K for the Council for Children &amp; Families for home visiting (if these aren’t restored home visiting ends 3 months early). The Governor did not propose funding home visiting in the 11-13 budget. There is some flexible money in the Department of Early Learning in the Governor’s proposed 11-13 budget that could be used for home visiting but it is not exclusive.</p> <p>211 funding was not cut in the Governor’s proposed supplemental nor in the House proposed supplemental (HB 1086) and the Washington Telephone Assistance Program account (where 211 is funded from) was not swept. The Governor, however, did not propose funding 211 in the 11-13 budget.</p> |



|   |         |              |   |
|---|---------|--------------|---|
| Washington Bicycle Alliance   |         |              |   |
| Safe Routes to School – Protect existing funding and find ways to improve the program to better meet the demand created by schools.   | HB 1071 | Rep. Moeller | 2/28 Passed - yeas, 56; nays, 41; absent, 0; excused, 1<br>4/4 – Passed - yeas, 29; nays, 19; absent, 0; excused, 1   |
| Washington Recreation and Parks Association   |         |              |   |
| <ul style="list-style-type: none"> <li>Real Estate Excise Tax -- Provide local-option legislation allowing cities and counties to use up to 25 percent of the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections to be used for maintenance and operations of parks and recreational facilities.</li> <li>Washington Wildlife Recreation Program (WWRP) – Support the request by the Recreation and Conservation Funding Board, the Washington Wildlife and Recreation Council (WWRC), WRPA, and others to preserve a \$100 million 2011 Capital Budget funding level for the Washington Wildlife and Recreation Program (WWRP) Grant program.</li> </ul> |         |              | <p>See Top Priorities Update Sheet.</p> <p>The Governor’s proposed capital budget for 11-13 created the “Puget Sound Washington Wildlife and Recreation Grants” program, which selects certain projects off the WWRP ranked list.</p> |
| Washington Low-Income Housing Alliance  |         |              |   |
| <ul style="list-style-type: none"> <li>Maintain the State’s investment in Housing Trust Fund.</li> </ul>  |         |              | The Governor’s proposed capital budget for the 11-13 biennium gives \$40m to the Housing Trust Fund.  |
| Washington Chapter of the American Planning Association   |         |              |   |
| <ul style="list-style-type: none"> <li>Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.</li> </ul>   |         |              |   |

| WRIA 8  |                    |                             |  |
|---|--------------------|-----------------------------|--|
| <ul style="list-style-type: none"> <li>Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State.</li> <li>Authorize legislation for creation of multipurpose Watershed Districts.</li> </ul>  | HB 1332            | Rep. Eddy                   | <u>Watershed Bills:</u><br><b>2/22 Passed</b> - yeas, 92; nays, 2; absent, 0; excused, 4<br><b>4/8 Passed</b> - yeas, 40; nays, 8; absent, 0; excused, 1 |
|   | SB 5198            | Sen. Pridemore              | SB is dead   |
|   | HB 1735<br>SB 5604 | Rep. Ormsby<br>Sen. Nelson  | <u>Storm Water:</u><br>HB is dead<br>SB is dead  |
|   | HB 1497<br>SB 5467 | Rep. Dunshee<br>Sen. Kilmer | Puget Sound Partnership in Capital Budgets   |
| Additional Legislation to Support   |                    |                             |  |
| <ul style="list-style-type: none"> <li>Support brown grease to energy conversion legislation and programs.</li> <li>Support modification of the Washington State Department of Licensing’s (DOL) implementation of the Commercial Driver’s License process.</li> <li>Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.</li> <li>Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages.</li> <li>Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments.</li> </ul> | HB 1370<br>SB 5234 | Rep. De Wege<br>Sen Kline   | HB is dead<br>SB is dead   |

| Bill                     | Title  | Position       | Status  |
|--------------------------|--|----------------|---|
| <i>Support</i>           |  |                |   |
| <a href="#">HB 1012</a>  | Planning commissioners                       | Support        | Passed yeas, 48. Signed by the Speaker  |
| <a href="#">HB 1014</a>  | Watersh mgmt partnerships                    | Support        | Senate Rules 2nd  |
| <a href="#">HB 1071</a>  | Complete Streets grant prog                  | Support        | Passed yeas, 29; nays, 19   |
| <a href="#">HB 1223</a>  | Street vacation hearings                     | Support        | Passed yeas, 47; excused, 2   |
| <a href="#">HB 1234</a>  | Security alarms, crime watch                 | Support        | Eligible to be placed on 2nd Reading  |
| <a href="#">HB 1332</a>  | Utility services joint mgmt                  | Support        | Passed yeas, 40; nays, 8; excused, 1  |
| <a href="#">HB 1382</a>  | <b>Express toll lanes/eastside</b>           | Support        | <b>Passed yeas, 36; nays, 13 (Striker acceptable)</b>   |
| <a href="#">HB 1398</a>  | <b>Low income housing/fee ex.</b>            | Support        | Placed on 2nd Reading   |
| <a href="#">HB 1406</a>  | intrastate building safety mutual a          | Support        | Passed yeas, 48; excused, 1   |
| <a href="#">HB 1469</a>  | Landscape conservation                       | Support        | Senate Rules 3/25   |
| <a href="#">HB 1478</a>  | <b>Fiscal relief/cities &amp; towns</b>      | <b>Support</b> | <b>Passed yeas, 49 (Floor amendments acceptable)</b>  |
| <a href="#">HB 1497</a>  | <b>2011-2013 capital budget</b>              | Support        | NTIB  |
| <a href="#">HB 1730</a>  | Authorization of bonds issued by l           | Support        | Senate Rules 2nd  |
| <a href="#">HB 1881</a>  | <b>Community redevelopment fin</b>           | <b>Support</b> | DEAD; possibly NTIB   |
| <a href="#">HB 1953</a>  | <b>Real Estate Excise Tax</b>                | <b>Support</b> | <b>Passed yeas, 28; nays, 20; excused, 1</b>  |
| <a href="#">HB 1969</a>  | Exempting FCDZ from regular pro              | Support        | Placed on 2nd Reading   |
| <i>Neutral</i>           |  |                |   |
| <a href="#">HB 1702</a>  | impact fees/convenants                       | Neutral        | Placed on second reading by Rules Committee   |
| <a href="#">HB 1812</a>  | Relating to community municipal corporations | Neutral        | DEAD  |
| <a href="#">HB 1997</a>  | Tourism, workfrce hsg, art & hrtge progrms   | Neutral        | Exec Session WAYS 4/1. Motion to move bill out failed   |
| <a href="#">HB 1634</a>  | Regarding underground utilities.             | Neutral        | Passed 49 yeas. All of AWC's proposed amendments (with one exception) were included in the bill. Cities able to move to "neutral" position. Concurrence rqud. |
| <i>Oppose</i>            |  |                |   |
| <a href="#">HB 1026</a>  | Adverse possession actions                   | Oppose         | Passed 48 yeas  |
| <i>Undecided</i>         |  |                |   |
| <a href="#">HB 1098</a>  | Traffic safety cameras                       |                |   |
| <a href="#">HB 1099</a>  | Traffic safety cameras                       |                |   |
| <a href="#">HB 1126</a>  | Criminal street gangs                        |                |   |
| <a href="#">HB 1217</a>  | Speed limits                                 |                |   |
| <a href="#">HB 1279</a>  | Traffic safety/intersections                 |                |   |
| <a href="#">HB 1462</a>  | Affordable housing                           |                |   |
| <a href="#">HB 1662</a>  | appeal/shoreline mgmt act                    |                |   |
| <a href="#">HB 1882</a>  | Transportatioin connectivity                 |                |   |
| <a href="#">HB 1855</a>  | State mandates                               |                |   |
| <a href="#">HJR 4217</a> | Community redevelopment financing            |                |   |

| Bill                     | Title   | Position       | Status                           |
|--------------------------|---|----------------|----------------------------------|
| <i>Support</i>           |   |                |                                  |
| <a href="#">SB 5022</a>  | Court actions/42.56.550                         | Support        | DEAD                             |
| <a href="#">SB 5025</a>  | Inmate public record req.                       | Support        | Passed 94 yeas, 3 excused        |
| <a href="#">SB 5034</a>  | Concerning private infrastructure development   | Support        | Passed 95 yeas, 2 excused        |
| <a href="#">SB 5098</a>  | minors in parks/recs progs                      | Support        | Passed 92 yeas, 5 excused        |
| <a href="#">SB 5143</a>  | Annexation/fire prot. Dists.                    | Support        | DEAD                             |
| <a href="#">SB 5154</a>  | Modifying vehicle prowling prov                 | Support        | DEAD                             |
| <a href="#">SB 5192</a>  | Shoreline Management Act                        | Support        | Passed 97 yeas                   |
| <a href="#">SB 5244</a>  | security alarms, crime watch                    | Support        | DEAD                             |
| <a href="#">SB 5253</a>  | landscape conservation                          | Support        | Passed 62 yeas, 35 nays          |
| <b>SB 5467</b>           | <b>2011-2013 capital budget</b>                 | Support        | NTIB                             |
| <b>SB 5505</b>           | <b>census data/annexation</b>                   | <b>Support</b> | <b>Passed 92 yeas, 5 excused</b> |
| <a href="#">SB 5705</a>  | Community redev financing                       | Support        | NTIB                             |
| <a href="#">SB 5834</a>  | Extending lodging taxes to programs arts/herit  | Support        | DEAD                             |
| <i>Neutral</i>           |   |                |                                  |
| <a href="#">SB 5607</a>  | impact fees/covenants                           | Neutral        | Senate Rules "X" file            |
| <a href="#">SB 5457</a>  | Funding from car tabs for Transit               |                | Placed on 2nd Reading            |
| <i>Oppose</i>            |   |                |                                  |
| <a href="#">SB 5553</a>  | Requiring cities post certain info on web sites | Oppose         | DEAD                             |
| <i>Undecided</i>         |   |                |                                  |
| <a href="#">SB 5013</a>  | Land use permit process                         |                |                                  |
| <a href="#">SB 5155</a>  | Public safety authorities                       |                |                                  |
| <a href="#">SB 5181</a>  | State debts statutory limits                    |                |                                  |
| <a href="#">SB 5188</a>  | Traffic control signals                         |                |                                  |
| <a href="#">SB 5214</a>  | Affordable housing                              |                |                                  |
| <a href="#">SB 5265</a>  | Multijurisdiction flood control zones           |                |                                  |
| <a href="#">SB 5299</a>  | Shoreline & pollution boards                    |                |                                  |
| <a href="#">SB 5530</a>  | appeal/shoreline mgmt act                       |                |                                  |
| <a href="#">SB 5683</a>  | City utility infrastructure                     |                |                                  |
| <a href="#">SB 5693</a>  | "Copy"/public records act                       |                |                                  |
| <a href="#">SB 5695</a>  | Local gov't bonds                               |                |                                  |
| <a href="#">SB 5716</a>  | Traffic safety cameras                          |                |                                  |
| <a href="#">SJR 8213</a> | Community redevelopment financing               |                |                                  |