



**CITY OF KIRKLAND**  
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## **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Tracy Burrows, Senior Management Analyst

**Date:** February 25, 2008

**Subject:** 2008 Legislative Session Status Report

The 2008 Legislative Session is two-thirds complete. Many bills did not make it past the cut-off date for bills to proceed out of their house of origin. The attached matrix identifies those bills that did not make it past the cut-off date. The next legislative cut-off date is February 29th when bills must have progressed out of their committee in the opposite house.

Below is a brief summary of the status of the City's major issues that have been addressed to date:

### **Transportation**

Governor Gregoire's request legislation related to the financing of SR 520 has progressed out of the House Transportation Committee. The Bill allows for the collection of tolls on the existing and replacement State Route 520 (SR 520) Bridge following the submission of the tolling implementation report required by the act and the approval of tolls by the Legislature. It requires the Washington State Department of Transportation to work with the Federal Highways Administration to determine the actions necessary to toll the I-90 Floating Bridge. It also establishes the State Route 520 Tolling Implementation Committee, comprised of Paula Hammond, Secretary of the Department of Transportation, Bob Drewel, Executive Director of the Puget Sound Regional Council, and Dick Ford of the State Transportation Commission, to evaluate a variety of issues related to the tolling of the SR 520 Bridge.

Kirkland has been working with Bellevue, Redmond, and State legislators to develop legislative language related to the configuration of the 520 bridge that is acceptable to parties on the east and west sides of the bridge. The language will likely focus on the near-term and future functionality of the 520 bridge and corridor. In the near-term, the intent is to include 2 general purpose lanes in each direction and one high-occupancy vehicle (HOV) lane in each direction. In addition, it is important that the design of the bridge and the bridge approaches will have the ability to accommodate light rail in the future without encroaching on the general purpose or HOV lanes.

## **Government Liability**

House Bill 1873 is of general concern to local governments because it expands government liability associated with wrongful death causes of action. As with other levels of government, cities provide services that are fraught with risk – supervising offenders, designing roads, providing public safety. The outcomes of these actions are not always certain, especially when being held responsible for the actions of third parties. Though Kirkland always works to reduce risks, sometimes we are not able to achieve the outcomes we want and claims are filed against us. This bill is expected to increase payouts by an estimated \$2 million per claim, which will further reduce cities' ability to provide services to the public.

## **Annexation and Fire Districts**

House Bill 2938 provides for the transfer of fire district employees to a city following annexation or incorporation. The bill, which modifies the current transfer provisions in RCW 35.13.215 and .225, removes any discretion the annexing jurisdiction has regarding hiring district employees, requiring an annexing city to take all district employees who would lose their district jobs because of an annexation and who want to transfer to city employment, regardless of the need for these employees.

The transferring employees would retain all "rights, benefits, and privileges" to which they would have been entitled as an employee of the district, including compensation, vacation, sick leave, other accrued benefits, and promotional and seniority rights. If a transferring employee had already completed a probationary period at the district before the transfer date, the annexing city could not impose another probationary period.

This bill could pose troublesome issues for the City should the annexation of the portion of the PAA in the Woodinville Fire & Life Safety District move forward. The Association of Washington Cities is working with affected cities to oppose this bill.

**2007 Legislative Issues Update  
as of  
2/25/2008**

Kirkland Legislative Contacts

Senator Eric Oemig: <http://www.sdc.wa.gov/oemig.htm>

Rep. Roger Goodman: <http://www.housedemocrats.wa.gov/members/goodman/>

Rep. Larry Springer: <http://www.housedemocrats.wa.gov/members/springer/>

Senator Rodney Tom: <http://www.sdc.wa.gov/tom.htm>

Rep. Ross Hunter: - <http://www.housedemocrats.wa.gov/members/hunter/>

Rep. Deb Eddy: <http://www.housedemocrats.wa.gov/members/eddy/>

Bill Number	Legislative Issue	Current Status – from AWC and leg.wa.gov	Action Needed/Initiated
<b>GENERAL GOVERNMENT</b>			
HB 3292	Taping of Executive Sessions	<b>HB 3292</b> would require all local governing bodies to "make a verbatim audio recording" of all executive sessions and retain the recordings for two years. The bill states that recordings of executive sessions will be considered public records not subject to public inspection or copying under the public records law except by court order and only under judicial review.	Did not make cut-off
EHB 1551	Allowing Local Funding of Election Campaigns	This bill removes the prohibition against the use of public funds to finance political campaigns for local office. However, before a local government may adopt public funding, it must be submitted to the voters for approval or rejection. If a county, city, town, or district establishes a program to publicly finance local political campaigns, only funds derived from local sources may be used to fund the program.	Passed House on 56-34 vote
SB 6547 and HB 3001	Gender Equity in Parks	The bill requires that each city, town, county, district, or public school district operating a community athletics program or issuing permission to third parties for the operation of such programs, must submit annual reports to the state regarding gender equity in the use of their facilities.	Did not make cut-off
HB 1873	Wrongful injury or death	Makes a number of changes to the statutes governing wrongful death and survival causes of action, particularly in the areas of the beneficiaries and recoverable damages. The current law Beneficiaries and recoverable damages are increased to include parents, brothers, sisters, and beneficiaries. Includes recovery for economical and non-economical losses in a just amount as determined by a jury.	Passed house 59:34  Public Hearing in Gov. Operations and Elections 02/26
SB 5892	State building code	Under this bill if a building inspector, or someone acting in the capacity of a building inspector, in the course of that person's work, breaches the duty to uphold the provisions of the State Building Code, and that breach results in damage to new residential construction compromising the health, safety, or welfare of the homeowner, then the city or county may be held liable for that building inspector's gross negligence.	Did not make cut-off

ANNEXATION			
HB 2938	Annexation procedures between cities and fire districts	<p>Establishes new employee notification requirements for cities, towns, and fire protection districts that may be affected by the annexation or incorporation of territory within a fire protection district.</p> <p>Modifies transfer provisions for fire protection district employees affected by an annexation or incorporation.</p> <p>Requires cities and towns to make legislative findings regarding the likely effects that an annexation and associated asset transfers may have upon the safety of residents within and outside the proposed annexation area.</p>	<p>Passed House 94:1</p> <p>Public Hearing in Government Operations and Elections 02/26</p>
ENVIRONMENT AND GROWTH MANAGEMENT			
HB 2797/SB6580	Climate Change and Growth Management	Directs CTED to establish methodology for measuring greenhouse gas emissions and select at least three counties and six cities for a global warming adaptation pilot program.	<p>Passed Senate 31:18</p> <p>Hearing in Local Government 02/26</p>
HB 2468/ SB 6249 HB 2844/ SB 6469	Evergreen Cities/Urban Forestry	Directs DNR to inventory urban trees, provides incentives for additional tree protection in the form of additional points to qualifying cities for PWTF and Centennial Clean Water funds.	<p>HB 2468 Passed 94:1</p> <p>HB 2844 Passed 73:22</p> <p>Public Hearing in Natural Resources, Ocean &amp; Recreation 02/25</p>
SB 6516/ HB2815	Greenhouse gas emissions and green collar jobs	These Governor-request bills: begin a process to ensure the emission reduction goals established by the Governor's Executive Order 07-02 are achieved; direct the state to continue to develop a regional process to design a multisector, market-based system for regulating green house gas emissions (i.e. cap and trade system); authorize a reporting system to monitor greenhouse gas emissions; establish a process for maintaining a comprehensive inventory of green house gas emissions to track the state's progress in achieving its greenhouse gas emission reductions; and	<p>HB 2815 passed 64:31</p> <p>Public hearing in Water and Energy &amp; Telecommunications</p>

		create a “green collar” job training account to train and transition workers to clean energy jobs.	Committee 02/22
HB 1358	Requiring Performance and Reasonable Measures for the Purpose of Growth Management Planning	Requires all 29 GMA-planning counties to adopt policies and performance measures that regularly review progress towards accommodating 20-year population and employment growth projections.	Did not make cut-off
HB 1727/ SB 6727	Growth Management Planning	Establishes new requirements for the land use and housing elements of comprehensive plans adopted under the Growth Management Act.  Expands the statutory list of innovative land use management techniques that should be provided for in comprehensive plans to include zoning for mixed-use development and accessory dwelling units.  Authorizes cities and counties to establish subregions of adjacent cities and counties for specific purposes, including ensuring the existence of a sufficient amount of housing to meet the needs of projected population growth.	HB 1727 Passed 97:0  Referred to Operations and Elections Public Hearing 02/21
HB 1768	Operation Funding for Parks	Authorizes local jurisdictions to use funds from the second 0.25 percent real estate excise tax for the maintenance and operation of parks acquired or developed with proceeds from the tax.	Did not make cut-off
HB 2950	Concurrency and Impact Fees	Authorizes jurisdictions to impose impact fees on development activity as part of the financing of public facilities needed to serve new growth and development. This financing must provide a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.	Did not make cut-off
<b>ECONOMIC DEVELOPMENT and INFRASTRUCTURE</b>			
SB 5762 / HB 3266	Local economic development funding	This bill eliminates the 2009-2011, \$50 million Public Works Trust Fund diversion to the Job Development Fund; and provide ongoing funding for the Community Economic Revitalization Board (CERB) at \$50 million/biennium. It also establishes criteria for CERB funding for local economic development	Did not make cut-off

SB 6856	Infrastructure and Economic Development Funding	Under this proposal, cities, counties, and public utilities districts will be eligible for an additional \$60 million in low interest loans to repair and replace basic infrastructure. An additional \$40 million in grants is targeted toward cities and counties experiencing high population growth that is outpacing their ability to provide basic infrastructure.	Did not make cut-off
<b>HOUSING</b>			
HB 2849	HEFT	Creates mechanism for financing workforce housing. This bill would create a Housing Everyone Financing Tool (HEFT) program within the Department of Community, Trade and Economic Development. The program would provide grants to local governments to finance affordable housing within specific designated areas. Funding for the program would come from additional locally imposed sales and use taxes to capture a portion of the anticipated growth in state revenues that is expected to occur within the designated area.	Did not make cut-off
HB 2604	Exemptions from Impact Fees	Authorizes cities to exempt low-income housing development from locally-imposed GMA impact fees. Current law allows such exemptions only if public funds are used to replace the fees waived.	Did not make cut-off
HB 2625	Employer-Assisted Housing	Creates an Employer Assisted Housing Program (Program) to provide homeownership counseling and housing-related financial assistance to employees of employers who make financial contributions to the Program. Establishes a state tax credit against state business and occupation (B&O) tax for contributions by employers to eligible affordable housing programs.	Did not make cut-off
HB 3221	Financial Services	Establishes the Financial Services Intermediary to improve the ability of low-income individuals to access and use mainstream financial products offered by financial institutions.	Did not make cut-off
SB 6385	Real Property	Establishes that a construction professional involved in the construction of improvements upon residential real property has a duty, which may not be waived, to exercise reasonable care in the construction of the improvement. If a breach of this duty results in damage to the real property, the current owner has a right to recover damages.	Passed Senate 27:20  Public hearing in Judiciary committee 02/26

LAW & JUSTICE			
PSSB 5353	Courts of limited jurisdiction	Clarifies the authority the city has to contract court services. Bill establishes nominating commission for the selection of part-time judges and expands the types of cases that municipal courts must hear.	Did not make cut-off
HB 2557	Operation of municipal courts	Increases the jurisdictional dollar limit on district court and small claims court.  Adds a provision to the municipal court chapter expressly authorizing cities to enter into interlocal agreements with other cities for court services.  Limits the authority of district and municipal court commissioners.  Eliminates the municipal department court structure (grandfathers in current structures).	Passed House 94:0  Public hearing in Judiciary on 02/22
SB 6573/ HB2962	Public Safety Funding	<b>SB 6573</b> which would transfer funds from the state general fund to a newly created local public safety enhancement account to provide additional revenues for public safety, including law enforcement officers and firefighters plan 2 pension plan benefits.	Passed Senate 48:1  Referred to Appropriations
TRANSPORTATION			
HB 1773/ SB 6355	Tolling	This legislation establishes the mechanism for the imposition of tolls on state-owned facilities. Either the Legislature or the Transportation Commission can impose tolls, including variable pricing, on a facility or corridor. All revenue from a tolled facility or corridor must be used only to improve, preserve, or operate the facility or corridor on or in which it is collected (public mass transit operations are limited to a maximum 10% of collected toll revenue).  A facility or corridor is defined as:  A bridge, highway, or roadway; A vessel, bus, vehicle, or other conveyance of people or goods; or A system of facilities or corridors as defined by the tolling authority.  The bills require cities, towns, and ports to get approval from the tolling authority before imposing or changing tolls that would have a significant impact on the	Passed House 59:35  Hearing in Senate Transportation Committee on 02/21

		operation of a state facility.	
SB 6543	Tolling	As an apparent alternative to <b>SB 6335</b> (Tolling), this legislation would create a separate tolling authority exclusive to King, Pierce, Kitsap, and Snohomish Counties. The Puget Sound Regional Council would authorize tolling on portions of state highways.	Did not make cut-off
HB 3096/ SB 6754	SR 520 Design and Tolling	This legislation establishes a design and financing plan for the 520 Bridge. Forms an SR 520 tolling implementation committee to evaluate issues relating to the SR 520 bridge replacement project, including traffic diversion, tolling technology, partnership opportunities, and also must survey citizens about the project.	Did not make cut-off
SB 6772	Governance	Expands existing Regional Transit Authority (“Sound Transit”) and renames as Regional Transportation Authority	Did not make cut-off
SB 6771	Temporarily Eliminating RTID	This would provide a temporary moratorium on the submission of RTID proposals to regional voters.  If this legislation advances, and SB 6772 does not, then the Transportation Benefit District enabling legislation (RCW 36.73) will likely be looked to fund regional and local transportation investments.	Passed Senate 27:22  Public hearing in Transportation committee 02/25
SB 6808	Bridge Owner Requirements	Requires local bridge owners to maintain, replace, or appropriate funds for bridges deemed to be especially deficient.	Did not make cut-off
SB 5363	Traffic Safety Cameras	The automated traffic safety camera law is expanded to authorize cities with a population over 500,000 to use cameras for detecting speed violations on city arterial streets.	Passed Senate 28:21  Referred to Transportation