



CITY OF KIRKLAND
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MEMORANDUM

To: David Ramsay, City Manager
From: Tracy Burrows, Senior Management Analyst
Date: March 5, 2008
Subject: 2008 Legislative Session Status Report

The 2008 Legislative Session will conclude on March 13th. The attached matrix identifies those bills that are still progressing through the legislative process.

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 is poised for a vote on the Senate Floor. The Bill allows for the collection of tolls on the existing and replacement State Route 520 (SR 520) Bridge as early as 2009, with the completion of the replacement bridge slated for 2014. It 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.

The Tolling Committee created by the legislation is expected to begin producing information on toll financing as soon as April or May of this year. That information will include how different pricing and toll location options for 520 and I-90 affect bridge financing and the anticipated diversion rates.

Government Liability

SSB 6385, related to construction liability, was amended to eliminate building inspectors from the list of "construction professionals" required to warrant new construction to homeowners. The amended bill is a relief for the city and does not expand our construction liability.

House Bill 1873, expanding government liability associated with wrongful death causes of action, could move to the Senate Floor at any time. This bill exposes local government to additional liability related to the services that we provide that are inherently risky – supervising offenders, designing roads, providing public safety. 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. Kirkland has requested amendments to the

bill eliminating joint and several liability for the expanded categories of claims and establishing an upper age limit of 26 for which parents who are not financially dependent can recover on behalf of their adult children.

Climate Change

The Governor's climate change request legislation, E2SHB 2815, proposes to reduce greenhouse gas emissions and create clean energy jobs. The Bill has passed both the House and Senate Chambers. The Bill:

- Directs the Department of Ecology (DOE) to submit a greenhouse gas reduction plan to the Legislature to limit statewide greenhouse gas emissions;
- Authorizes the DOE to adopt rules requiring a reporting system to monitor greenhouse gas emissions;
- Authorizes the DOE to develop a design for a regional multi-sector market-based system to limit and reduce greenhouse gas emissions;
- Creates a green industries job training account to train and transition workers to clean economy industry jobs; and,
- Directs the Department of Transportation to provide recommendations to reduce annual per capita vehicle miles traveled.

The climate change bill initially proposed by Futurewise has changed considerably from the bill that was introduced. ESSB 6580 now contains no new mandates for local government. It establishes a stakeholder process to evaluate what changes to the Growth Management Act, if any, are appropriate to help cities and counties address climate change and creates a pilot program to fund cities or counties wishing to address this issue. This bill is currently in House Rules and could be moved to the floor at any time.

Evergreen Cities

House Bill 2844 is intended to help cities establish an accurate baseline inventory and assessment of trees and offer help on how to best protect and care for them. Assistance to local governments is in the form of funding over the next several years as it is made available. The Bill establishes a process by which DNR and CTED will develop an Evergreen Cities program and tree maintenance and retention standards that interested cities may implement. This is a strictly voluntary program would include some level of financial support and "incentives," such as receiving credit for its use when applying for various state grant or loan programs.

**2007 Legislative Issues Update
as of
03/04/2008**

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
GENERAL GOVERNMENT			
HB 3292	Taping of Executive Sessions	HB 3292 would require all local governing bodies to "make a verbatim audio recording" of all executive sessions and retain the recordings for two years.	Did not make 02/19 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 56-34 Did not make 02/29 cut off
SB 6547 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 02/19 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. EFFECT: <ul style="list-style-type: none"> • Removes the residency requirement for the secondary beneficiaries (parents and siblings), • Specifies that both economic and non-economic damages are recoverable, • Adds "loss of enjoyment of life" and "shortened life expectancy" as recoverable damages, • Under the child death statute, specifies that each parent is entitled to a separate recovery regardless of marital status. 	Passed house 59:34 Executive action in Senate Ways and Means <i>Majority: do pass</i> Passed to Rules Committee for second reading
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 02/29 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>Did not make 02/29 cut-off</p>
ENVIRONMENT AND GROWTH MANAGEMENT			
SB6580 Did not pass HB 2797	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>Executive action in Appropriations <i>Majority: do pass</i></p> <p>Passed to Rules Committee for second reading</p>
HB 2844 Did not pass HB 2468 SB 6249 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>2844 Passed 73:22</p> <p>Executive action in Ways and Means <i>Majority: do pass</i></p> <p>Made eligible to be placed on second reading by Rules Committee</p>
HB2815 Did not pass SB 6516	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 create a "green collar" job training account to train and transition workers to clean energy jobs.	<p>Passed House 64:31</p> <p>Executive action in Ways and Means <i>Majority: do pass</i></p> <p>Placed on second reading by Rules Committee</p>

HB 1358	Requiring Performance Measures for GMP	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 02/19 cut-off
HB 1727 Did not pass 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.	Passed House 97:0 Executive action in Ways and Means <i>Majority: do pass</i> Passed to Rules Committee for second reading
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 02/19 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 02/19 cut-off
ECONOMIC DEVELOPMENT and INFRASTRUCTURE			
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 02/19 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 02/19 cut-off
HOUSING			
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 02/19 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 02/19 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 02/19 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 02/19 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 Executive Action in Judiciary committee <i>Majority: do pass</i> Passed to Rules Committee for second reading
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 02/19 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 Executive Action in Judiciary committee <i>Majority: do pass</i> Placed on second reading by Rules Committee
SB 6573 Did not pass HB2962	Public Safety Funding	SB 6573 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 Executive Action in Appropriations <i>Majority: do pass</i> Passed to Rules for second reading

TRANSPORTATION			
HB 1773 Did not pass SB 6355	Tolling	<p>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).</p> <p>A facility or corridor is defined as:</p> <p style="padding-left: 40px;">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.</p>	<p>Passed House 59:35</p> <p>Executive Action in Transportation <i>Majority: do pass</i></p> <p>Made eligible to be placed on second reading by Rules Committee</p>
SB 6543	Tolling	As an apparent alternative to SB 6335 (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.	Public Hearing in Senate Transportation Committee 2/5
HB 3096 Did not pass 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.	<p>Passed House 63:30</p> <p>Executive Action in Transportation <i>Majority: do pass</i></p> <p>Placed on second reading by Rules Committee</p>
SB 6772	Governance	Expands existing Regional Transit Authority (“Sound Transit”) and renames as Regional Transportation Authority	Did not make 02/19 cut-off
SB 6771	Temporarily Eliminating RTID	<p>This would provide a temporary moratorium on the submission of RTID proposals to regional voters.</p> <p>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.</p>	<p>Passed Senate 27:22</p> <p>Executive Action in Transportation <i>Majority: do pass</i></p> <p>Passed to Rules Committee for second reading</p>
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 02/29 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.	<p>Passed Senate 28:21</p> <p>Referred to Transportation</p>