



CITY OF KIRKLAND
City Manager's Office
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MEMORANDUM

To: David Ramsay, City Manager

From: Erin J. Leonhart, Intergovernmental Relations Manager

Date: January 26, 2009

Subject: 2009 LEGISLATIVE UPDATE 2 – FEBRUARY 3, 2009

RECOMMENDATION

It is recommended that Council receive a legislative update report and authorize the Mayor to sign letters to Kirkland's legislators supporting legislation related to mercury-containing light recycling and unwanted medication disposal programs. Information about both issues is in the "Climate Change & Environment" category below.

BACKGROUND

The 2009 Legislative Session is in its fourth week. The first legislative cut-off date is February 25th when bills must have progressed out of their committee of origin. This is an update on the City's interests as of January 26th. A matrix with the current status of topics on the legislative agenda will be available at the meeting on February 3rd.

ANNEXATION

Senate Bill 5321, relating to extending a local sales and use tax for annexation has multiple sponsors, including Senator Tom. The significant revisions are:

- Extends the annexation sales tax credit to cities with a population over 400,000 (at a reduced rate of 0.0034 percent);
- Adds a commencement period from Jan. 1, 2011 thru Jan. 1, 2021 (likely to be revised to read July 1, 2011 thru Jan. 1, 2021 to avoid the coming fiscal biennium); and
- Provides additional flexibility for phasing of tax increments.

Other than the new, lower rate for larger cities, the sales tax credit rates remain 0.1 percent for annexations between 10,000 and 19,999 and 0.2 percent for annexations over 20,000. This bill has been referred to the Senate Ways & Means Committee and is not currently scheduled for public hearing. Staff is conducting further study of the impacts of the proposed legislation on Kirkland's potential annexation.

CLIMATE CHANGE & ENVIRONMENT

House Bill 1490 establishes land-use and development patterns to achieve and support state and federal greenhouse gas emissions reduction requirements. It has multiple sponsors including Representative Goodman. This bill includes some recommendations of subcommittees of the Governor's Climate Action Team (but not endorsed by the full Team) in addition to ideas that were developed by proponents of the bill –Futurewise, Low-Income Housing and Transportation Choices groups.

For cities like Kirkland that have or plan to have, high capacity transit stations, this bill mandates that lands within a half-mile radius of these stations be zoned to accommodate at least 50 units/acre (not including streets and sidewalks) and that housing constructed provide for a certain amount that is affordable for low-income residents.

This bill was referred to the House Committee on Local Government & Housing and is scheduled for public hearing on January 28th at 8:00am. AWC has scheduled a conference call with staff from the most highly impacted cities, including Kirkland, on January 27th.

House Bill 1469 and Senate Bill 5543 (Recycling Act for Mercury-Containing Lighting) establishes a product stewardship recycling programs for mercury-containing lights (including compact fluorescent bulbs). Lighting producers would be required to take back their products, but the bill allows them the flexibility to design the best program based on their resources and knowledge of the product. Manufacturers may create a program collectively or on their own. Lighting producers will establish and pay for a system to collect, transport and recycle their products without charge when residents or small businesses return lights containing mercury. This bill has multiple sponsors including Representative Goodman and Senator Oemig and is scheduled for public hearing in the Senate Committee on Environment and Water & Energy on January 28th at 3:30pm. The Public Works Department, in conjunction with the King County Department of Natural Resources, has requested letters of support be sent to Kirkland's legislators from Council related to this legislation (Attachment A).

House Bill 1165 and Senate Bill 5279 (Secure Medicine Return Bill) establishes a producer-provided medicine return program that is convenient, safe and secure for residents throughout the state. Prescription and over-the-counter medicines will be collected and disposed using the safest technology currently available to help prevent poisonings, misuse, and environmental contamination. The bill has multiple sponsors including Representatives Hunter and Goodman and Senator Oemig and is scheduled for executive session in the House Committee on Environmental Health on January 28th at 1:30pm. The Public Works Department, in conjunction with the King County Department of Natural Resources, has requested letters of support be sent to Kirkland's legislators from Council related to this legislation (Attachment B).

EMINENT DOMAIN

Senate Bill 5254 and House Bill 1332 would grant authority of a watershed management partnership (Cascade Water Alliance) to exercise powers of its forming governments, including eminent domain. This is Cascade's bill and it has multiple sponsors including Senators Oemig and Tom and Representatives Goodman, Springer, Eddy and Hunter. The Senate Bill was referred to the Committee on Environment and Water & Energy and is scheduled for public hearing on January 27th at 10am. The House Bill was referred to the Judiciary Committee and is scheduled for public hearing on January 29th at 10am.

HOMELESSNESS & HOUSING

House Bill 1141 exempts state & local taxes on affordable housing projects receiving public funding. This bill has multiple sponsors include Representatives Springer and Goodman and is being considered in the House Committee on Local Government & Housing.

House Bill 1173 creates the Affordable Housing for All program with the goal of providing decent, affordable housing for all economic segments by the year 2020 and establishes the goal to end homelessness by 2019. This bill has multiple sponsors including Representative Goodman and is being considered in the House Committee on Local Government & Housing.

House Bill 1360 creates the Residential Infrastructure Program and would dedicate future state Real Estate Excise Tax above a growth factor into the program to provide loans to eligible jurisdictions and grants to nonprofit organizations for public infrastructure projects (or land related to infrastructure) that supports increased capacity for dense, affordable residential development in areas near transit service. A maximum of \$50 million could be put into the program in any one year. This bill has multiple sponsors including Representatives Springer and Eddy and is scheduled for public hearing in the House Committee on Local Government and Housing on January 29th at 10am.

INFRASTRUCTURE AND ECONOMIC DEVELOPMENT

House Bill 1109 amends provisions of local infrastructure financing in multiple ways including, increasing state contribution to \$10.5 million and eliminating the limitation of one revenue development area per county. The prime sponsor for this bill is Representative Sullivan and it has been referred to the House Committee on Community & Economic Development & Trade.

Attachments

- A – Letter to District Legislators in Support of Recycling Act for Mercury-Containing Lighting
- B – Letter to District Legislators in Support of the Secure Medicine Return Bill

February 4, 2009

DRAFT

Representative Deborah Eddy
132D Legislative Building
PO Box 40600
Olympia, WA 98504-0600

Dear Representative Eddy:

I am writing to express the City of Kirkland's support of the Recycling Act for Mercury-Containing Lighting (HB 1469/SB 5543) that will create a return program for lamps that contain mercury such as compact fluorescent lights (CFLs) and linear tubes. CFLs and linear tubes save energy and are safe to use but once they burn out, the mercury in the lamps must be properly recycled to avoid harming human health and the health of our environment.

Mercury harms the brain, liver and kidneys and causes developmental disorders in children. It persists in the environment and bioaccumulates in the food web. Mercury from a variety of sources has polluted Washington's water bodies resulting in fish advisories warning pregnant women and young children not to eat certain fish.

At the current time, less than 2% of household lamps are properly recycled. This means that these lights are being disposed in the garbage, releasing mercury into our air, water, and soil. The upcoming federal energy efficiency requirements may phase out traditional incandescent bulbs as early as 2012 resulting in an increase in the use of fluorescent bulbs and tubes.

Washington citizens and small businesses are demanding a safe and convenient method for collecting and properly recycling mercury-containing lamps.

We support HB 1469 which requires the lighting producers to establish a collection and recycling system that prevents mercury releases into the environment and protects human health. The program would provide a convenient and safe way for our residents, small businesses and small school districts to recycle their lamps. I hope you will do all you can to ensure passage of this timely bill.

Sincerely,
KIRKLAND CITY COUNCIL

By James L. Lauinger, Mayor

CC: Mary Rabourn, King County Local Hazardous Waste Management Program

February 4, 2009

DRAFT

Representative Deborah Eddy
132D Legislative Building
PO Box 40600
Olympia, WA 98504-0600

Dear Representative Eddy:

I am writing to express the City of Kirkland's support of the Secure Medicine Return Bill (HB 1165/SB 5279), to create a producer-provided program for properly managing unwanted medicines from households to reduce accidental poisonings, drug diversion, and environmental contamination. We need a safe and secure method for collecting and properly disposing of unwanted medicines in our homes.

We are concerned that a significant number of medicines from households go unused or expire, and there is no convenient and safe method for disposing of them. Keeping unused, unwanted, and expired medicines in our home medicine cabinets increases the risk of accidental poisonings, abuse, drug diversion, and teen "pharming". Accidental poisonings are up 395% from 1990. Most children who died as a result of accidental poisoning used someone's prescription or over-the-counter medicine. National statistics show teens and young adults are using prescription drugs to get high (second only to marijuana) and most obtain them from a friend or relative.

Pharmaceuticals have been detected in many streams and groundwater, and have the potential to impact aquatic organisms. Medicines flushed down the drain are not removed by the wastewater treatment plants, but instead are either directly discharged to the surface water or fall out in the biosolids that are often applied to land.

Throwing medicines in the trash is not the answer either. Trash disposal is not secure, especially for controlled substances. Medicines and their metabolites have been detected in landfill leachate which is collected in the liner and pumped to the wastewater treatment plant.

We support HB 1165 which requires pharmaceutical producers to provide and pay for a cost-effective medicine return program that is convenient, safe and secure for residents of each county in the state. Manufacturers, as originators of the medicines, have the greatest responsibility for end-of-life management: they have the expertise, relationships, security awareness, scope of service and resources needed to establish safe, secure and effective programs. They provide this service to several other countries in the world and are experienced at running these programs.

Local governments do not have this expertise and cannot carry the burden of collecting and properly disposing of these unwanted medicines.

We have a unique opportunity to implement a safe and secure system and have it managed by the companies that would know how to do it best. I hope you will do all you can to ensure passage of this timely bill.

Sincerely
KIRKLAND CITY COUNCIL

By James L. Lauinger, Mayor

CC: Debra Oliver, King County Local Hazardous Waste Program