WEEK 5 REPORT ON 2022 SESSION OF THE LEGISLATURE & WEEK 6 HEARINGS/"EXECS" For WRPA President, Executive Board, Executive Director, Legislative Committee

Doug Levy - 2/14/2022

A transportation package – "Move Ahead." Marathon Floor sessions – bills alive or "dead." A muted protest at the Capitol. The next revenue test and a budget full of Capital.

That's a quick synopsis of Week 5 of the Legislature, where both House Members and Senators worked through the weekend to consider bills before a close-of-business Feb. 15 deadline. House Members, especially, will be groggy come Valentine's Day after staying on the Floor or in Caucus past midnight Saturday and coming back for another Floor- and Caucus-filled Sunday.

The reason for the seemingly endless parade of Floor votes and Caucus meetings is simple: Bills that don't survive the Tuesday, Feb. 15 cutoff are tossed into the legislation scrap heap for the 2022 Session. Exceptions can be made for bills deemed "Necessary to Implement the Budget" (NTIB).

The conversation will soon transition from "bills" to "bills and budgets" as we see a next state revenue forecast update on Wednesday and the first of the 2022 Supplemental budgets (*the Senate's Capital Budget*) on Thursday. Look for the Legislature's versions of Supplemental Operating and Transportation budgets to emerge soon after, either late next week or at the start of Week 7.

A joint Senate and House rollout of the transportation package, "Move Ahead Washington," was a major Week 5 news item. The 16-year, \$16.8 billion package is top-notch if you are bullish on maintenance and preservation, having the state address its culvert obligations, shoring up an ailing ferry system, doubling down on multi-modal and "active transportation" investments with carbon-reduction monies, or keeping major "Connecting Washington" projects on track. It is not quite as good if you were counting on direct local funding, local distributions, or city and county road-maintenance dollars. <u>A major bright spot for us is the inclusion of \$1.27 billion in active transportation grants, program funds, and projects</u>.

The "muted protest" I referenced came Thursday, when about 50 people rallied for gun rights and against bills like **ESSB 5078**, passed Wednesday by the Senate Floor on a party-line 28-20 vote. **5078** prohibits manufacture, distribution, purchase, and sale of firearm magazines holding more than 10 rounds of ammunition. In years past, legislation like this brough hundreds of gun-rights protesters to the Capitol.

For WRPA, Week 5 was an anxious one. Despite a flurry of work and a letter to House Rules Committee Members by our leadership, time is running out on getting our priority local parks funding bill (**SHB 1025**) "pulled" to the Floor. On the good-news side, investments in the transportation package are a value-add, a derelict vessel removal bill is moving along smartly, and there are few if any truly "bad" bills left on our list.

Below I have written my usual status report on WRPA's Legislative Agenda priorities, "strong support" items, and "support/oppose" bills. That is followed by a list of numerous bills that we in local parks and outdoor recreation care about. A separate Week 6 hearings list is attached as well.

Top Priorities

*Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs which only became more challenging under COVID-19 – SHB 1025

(*Policy/Fiscal Bill*) UGH. We learned toward the end of Week 5 that our bill was languishing in the House Rules Committee over worries that a Floor debate on **1025** would be partisan and divided in nature. We have done our best to demonstrate that **1025** is substantially similar to Republican-introduced bills from prior

sessions, that it has bi-partisan support, and that it will get some GOP votes if brought to the Floor. Unfortunately, as we wind down closer to the cutoff deadline and tempers and nerves get more frayed, our job of dislodging **SHB 1025** from the Rules Committee becomes even tougher. I thank House Majority Caucus Chair Lillian Ortiz-Self (D-Mukilteo/21st Dist.), prime sponsor Emily Wicks (D-Everett/38th Dist.), and No. 2 sponsor Carolyn Eslick (R-Sultan/39th Dist.) for their efforts on this one. We'll keep pushing.

*Actively partner with the Recreation & Conservation Office (RCO) to ensure a sound plan is in place for use of a one-time, \$42 million allocation from the Stadium & Exhibition Center Account

(Recreation & Conservation Office in concert with Governor/OFM) Our partners at the Recreation & Conservation Office (RCO) remain in the throes of populating a 16-member Advisory Task Force that will help provide recommendations on the best way to invest a one-time, \$42 million allocation of funds left over from the \$300 million in state bonds used to build the Seahawks Stadium (*now Lumen Field*). The bond funds grew out of a voter-approved referendum focused primarily on financing the stadium but also including some funds dedicated to local youth athletic facilities. <u>RCO will use a Task Force comprised of a legislator, a local parks official, outdoor groups, representatives of professional sports teams, and others.</u>

*Actively participate in efforts to replace and recover lost revenue for parks and recreation agencies – while protecting existing resources

(*Operating Budget*) Our local parks funding options bill is the most direct "vehicle" we have for addressing M&O revenue losses suffered by parks agencies. A few other items on the radar are:

- A \$15 million Operating Budget request by Rep. Cindy Ryu (D-Shoreline/32nd Dist.), Sen. T'wina Nobles (D-University Place/28th Dist.) and others – consisting of \$5 million apiece for addressing M&O backlogs at State Parks, Department of Natural Resources, and Department of Fish & Wildlife.
- A \$52 million proposal in the Governor's budget to significantly expand outdoor education and "outdoor experience" programs for kids in grades K-12. This initiative requires both money and legislation (*2SSB 2078 Outdoor School for all bill*) and could involve some partnerships with our local parks agencies.
- **HB 1672** on Conservation Futures levies which remains pending in House Finance and is increasingly in danger of "dying" for the 2022 Session. It would remove 1 percent property tax limits for 13 counties that have adopted Conservation Futures programs.
- **2SSB 5796** by Sen. Rebecca Saldaña (D-Seattle/37th Dist.) includes an increase in the biennial marijuana revenue distributions to cities and counties from \$40 million to \$52.85 million.

Strongly Support

*Protect against any diversions or reallocations of Capital Budget grant programs that significant benefit parks and recreation and the Great Outdoors

(*Capital Budget*) Staying vigilant is always important, but we see no "red flags" in terms of potential transfers or diversions of dedicated outdoor recreation monies in state budgets. If anything, we may see the state's revenue picture brighten *further* when the next revenue forecast update comes on Wednesday. One bill we have tracked is **SB 5632**, establishing a Washington Water Infrastructure Program and, among other things, appropriating a minimum of 10 percent of all bonds authorized each biennium, up to a total of \$5 billion. **5632** is not advancing – see below for more information.

*Advocate for Key "Healthy & Active Communities" Funding within the State Budget Process

(Capital, Transportation, Operating Budgets) WRPA's "healthy and sustainable communities" initiative has us supporting funding 'buckets' across all three (3) of the state's budgets. As I previously reported, the Governor's proposed Supplemental Operating Budget (SB 5693/HB 1816) invests \$170.56 million in public health, medical assistance, and behavioral health. We also will closely track the progress of SB 5974 and SB

5975 – the revenue and spending bills that comprise the "Move Ahead Washington" package introduced last Tuesday and given two days of public hearings in the Senate Transportation Committee. More details on that are below. Others on our scope:

- Public Health District, "No Child Left Inside," outdoor education funding -- Operating Budget.
- Bicycle and Pedestrian Grant, Safe Routes to Schools, "Complete Streets" funding in the Transportation Budget.
- 'Target Zero' programs run by the Washington Traffic Safety Commission.
- Dedicated accounts and grant programs in the Capital Budget such as WWRP, YAF, ALEA, NOVA, BFP.

*Support legislation (HB 1700) to enhance funding for the Derelict Vessel Removal Program (DVRP) and make the program's funding more sustainable

(*Policy bills/Operating Budget*) After unanimously passing off the House Floor, **HB 1700** is up for *both* a hearing and a committee vote this Thursday in Senate Agriculture, Water, Natural Resources & Parks. **HB 1700** would add up to \$8.6 million in funding to the Derelict Vessel Removal Program (DVRP) by re-directing 25 percent of the Watercraft Excise Tax that is already paid into the General Fund. Lead sponsors are Rep. Dave Paul (D-Oak Harbor/10th Dist.) and Rep. Dan Griffey (R-Allyn/35th Dist.).

Support/Oppose Items

*Efforts to Address Mental Health, Homelessness, Affordable Housing

(*Policy Bills, Budgetary Items*) Our Legislative Agenda expresses support for initiatives by cities and counties, the Washington Low-Income Housing Alliance, and others, toward ongoing funding and tools for growing mental health, homelessness, and affordable housing crises in local communities. Several bills we're tracking:

- **Governor's Supplemental Operating (SB 5693/HB 1816) and Capital (SB 5651/HB 1781) Budgets:** The Governor is proposing \$815 million in additional investments related to affordable, work force, and permanent supportive housing. Of that, \$494 million is on the Capital Budget side – things such as "rapid rehousing" investments and increases to the Housing Trust Fund. The other \$321 million is in Operating funds. We await the legislative budget rollouts for more.
- SHB 1866, assisting persons receiving community support services through medical assistance programs to receive supportive housing: This bill establishes the "Apple Health and Homes Program" to provide a 12-month renewable supportive housing benefit to medical assistance enrollees who meet eligibility criteria related to medical risk factors and barriers to finding stable housing. It passed off the House Floor Sunday on a 96-2 vote and now goes to the Senate.
- SHB 1905, reducing homelessness for youth discharged from a publicly funded system of care, passed the House 94-3 Saturday. It calls on Department of Children, Youth, and Families to develop and implement a rapid response team to support youth exiting a publicly funded system of care.
- ESHB 1643, exempting from the Real Estate Excise Tax (REET) a sale of transfer of real property for affordable housing to a non-profit, housing authority, public corporation, county, or municipal corporation: This legislation by Rep. David Hackney (D-Tukwila/11th Dist.) passed out of the House on Saturday by a 93-4 vote and moves to the Senate.
- **2SSB 5662, inter-governmental coordination to address homeless encampments on WSDOT-owned rights-of-way**: This legislation passed out of Senate Ways & Means last Monday on a 14-10 vote and advanced to the Senate Floor Calendar on Friday. The Governor-request bill would have state agencies coordinate inter-governmental efforts with local agencies, with the goal of finding people permanent supportive housing as a priority under the amended version. Funding in the Operating budget will be a necessary part of making this bill work. Opposition remains to **5662,** with some framing it as a tool to conduct homeless "sweeps" and not give folks needed assistance.
- SHB 1880, providing a state sales tax credit for "Housing Benefit Districts": This bill comes up for a House Finance committee vote on Thursday. 1880 would provide a state sales tax credit to four (4) cities (Renton, Everett, Shoreline, Tacoma) for land acquisition and infrastructure investment work associated with Transit-Oriented Development/affordable housing projects.

- **Governor-request "missing middle" bill SHB 1782:** Emotions are running high over this bill, which is now on the House Floor Calendar but has not yet been brought up for a Caucus discussion by Majority Democrats. A proposed "Striking Amendment" to **1782** attempts to narrow the mandates in the prior version of the bill, focusing more on requiring housing density provisions to be integrated into comprehensive plans, GMA housing elements, and development regulations. Cites have a concern with language in the amendment that would require them to "ensure" housing targets are met a challenging item to assure when cities don't build housing.
- **Bill on Accessory Dwelling Units (ADUs) SHB 1660:** This legislation may come up for a vote today. Prime sponsor Sharon Shewmake (D-Bellingham/42nd Dist.) has a Floor Amendment, which among other things would prohibit cities from placing "owner-occupancy" requirements on ADUs unless they are short-term rentals. One other note is that some lobbyists have conveyed significant concerns with civil liability language in **1660** and that is likely to need further amendment.
- SHB 1908, addressing surplus public property for affordable housing. This bill advanced Saturday to the House Floor Calendar. 1908 amends surplus property laws to make it easier for local government to surplus property for affordable homeownership projects.
- HB 1738, changing the total amount of outstanding indebtedness of the Washington State Housing Finance Commission: This bill passed the House 66-32 Saturday and goes to the Sente. It raises the overall debt limit for the Housing Finance Commission from \$8 billion to \$14 billion.
- ESB 5832, expanding the multifamily tax exemption program to include converting existing multifamily units: This bill cleared the Senate Saturday by a 44-5 vote and heads to the House. In counties with a population of 300,000+, 5832 expands the Multi-family Property Tax Exemption (MFTE) program to include conversion of existing market rate units to affordable housing.
- ESHB 1841, incentivizing rental of accessory dwelling units to low-income households: This bill passed off the House Floor on a 66-31 vote Saturday and will move on to the Senate. The bill grants a property tax exemption for ADUs rented to someone whose income is at or below 60 percent of the Area Median Income (AMI).
- ESSB 5428, concerning the application of the state environmental policy act (SEPA) to temporary shelters and transitional encampments: This bill passed the Senate last Tuesday on a 41-8 vote. 5428 exempts temporary shelters or transitional encampments from the requirements of the State Environmental Policy Act (SEPA) but only if numerous conditions are met. One is that the shelter or encampment must be in a jurisdiction that has declared a homelessness emergency.
- SSB 5867, concerning compassionate and effective strategies to address the homelessness crisis: This bill "died" in Senate Ways & Means last Monday after failing to garner enough votes to pass the committee. Local governments had strong cost concerns over the bill, which among other things, would have required cities and counties, without any designated funding, to "ensure that there are enough cumulative shelter beds to accommodate, at a minimum, the sheltered and unsheltered portions of the county's most recent point-in-time homeless count."

*"Big Tent" Outdoor Recreation Coalition

(Budgetary, Policy Items) The Coalition is holding Friday morning information-sharing calls during Session and will take part in weekly "Outdoor Recreation Caucus" meetings every Thursday at 7 a.m. The ORC is cochaired by Sen. T'wina Nobles (D-University Place/28th Dist.), Sen. Ron Muzzall (R-North Whidbey/10th Dist.), Rep. Cindy Ryu (D-Shoreline/32nd Dist.), and Rep. Andrew Barkis (R-Olympia/2nd Dist.).

Other Bills WRPA is Tracking

(NOTE: I'll supplement this as Session progresses. New bills highlighted. If you have one to add, e-mail me)

Two bills we have fielded significant feedback on:

• SHB 1918, reducing emissions from outdoor power equipment: This bill impacts Operating Budget revenues and thus remains alive. It is receiving a public hearing in House Finance Thursday. The revised bill includes a sales tax exemption for zero-emission outdoor power equipment

purchases through 2032 and gives direction to state and local agencies to combine contracts for purchasing zero-emission outdoor power equipment whenever practicable. Those two provisions are non-controversial, but that's not the case for a part of the bill that prohibits purchases of any none-zero-emission power equipment beginning in 2025 (with a few exemptions).

• SSB 5673/SHB 1595, installing signs on or near bridges to provide information to deter jumping and to warn individuals of the dangers of cold-water shock drowning: The House version of these companion bills, which advanced to the Floor Calendar last Friday, may be the "vehicle" for legislative action in 2022. Sen. John Braun (R-Centralia/20th Dist.) and Rep. Peter Abbarno (R-Chehalis/20th Dist.) introduced the bills in response to a tragic bridge-jumping and cold-water shock drowning in Lewis County last year. **1595/5673** indicates that local agencies *may* post signage on or near bridges. The legislation also includes more explicit language to ensure that there is no "legal duty" for local governments, whether they post signage or not.

Others

- **Transportation new-revenue package SB 5974, SB 5975 "Move Ahead Washington":** Moving Ahead WA includes \$1.23 billion for active transportation programs and projects, financed with carbon-reduction monies. Move Ahead WA would permanently designate nearly one-fourth (24 percent) of all "Climate Commitment Act" carbon-reduction dollars towards active transportation investments. In this package, that includes \$290 million in Safe Routes to Schools grants, \$216 million for a new School-Based Bicycle Education program, \$278 million for Bicycle-Pedestrian Safety grants, \$293 million in designated bicycle and pedestrian projects, \$146 million for the "Complete Streets" program administered by the Transportation Improvement Board (TIB), and \$50 million for a new "Connecting Communities" grant programs to help organizations in disadvantaged communities that have been disproportionately impacted by and cut off by prior transportation investments. Here is a link to the full list of designated bike-ped projects: Move Ahead Mega File.xlsx (wa.gov)
- **2SSB 5332, off-road and wheeled All-Terrain Vehicles (ATVs):** This bill by Sen. Mike Padden (R-Spokane Valley/4th Dist.) passed 47-0 off the Senate Floor last Wednesday and moves to the House. It would clarify equipment requirements for wheeled ATVs.
- SB 5504, extending current Discover Pass free days from State Parks to all state recreation sites and lands: This bill by Sen. Judy Warnick (R-Moses Lake/13th Dist.) unanimously passed the Senate and awaits a Friday morning hearing in House Community & Economic Development.
- SB 5505, SHB 1967, property tax exemptions for Farmers Markets: The House unanimously passed SHB 1967 on Saturday. It enables churches and public meeting halls that host Farmers Markets to retain underlying property tax exemptions.
- SB 5530/HB 1647, concerning the Building for the Arts program: We *support* these companion bills, which would increase funding for the BFA program from \$12 million a biennium to \$18 million a biennium and increase the state match from 20 percent to one-third. HB 1647 will be the "vehicle," since it already passed the House and was formally referred last Monday to Senate Ways & Means.
- SB 5608, concerning free access to state parks and public lands: This bill is likely "dead" for the 2022 Session. It would have repealed the Discover Pass program and replaced it with a \$30.553 million transfer from the General Fund. 5332 went no further after a Week 1 hearing in the Senate Agriculture, Natural Resources, Water, and Parks Committee.
- SB 5632, relating to investments in critical water infrastructure projects: This legislation never came up for a vote in the Senate Agriculture, Water, Natural Resources and Parks Committee and is probably "dead" as a stand-alone bill, though its sponsor (Sen. Jim Honeyford, R-Sunnyside/15th Dist.) is a capital budget negotiator and may work to include some funds in the budget. 5632 established a "Washington Water Infrastructure Program" to provide competitive grants for projects that increase the availability of water for out-of-stream uses, reduce flood risk, improve fish passage, or reduce stormwater pollution. However, the bill also had a provision expressing legislative intent for appropriating a minimum of 10 percent of *all* Capital Budget bonds authorized each biennium --- up to a total of \$5 billion. That was a major concern for us.

- SB 5633/HB 1895, DNR-Request Keep Washington Evergreen: These WRPA-*supported* bills are stuck and may be on life support unless there is budget funding to revive them. Both measures failed to come up for a vote in their respective policy committees. The legislation calls for identifying and mapping the state's most threatened working forests, developing a strategic plan, and identifying existing voluntary tools and incentives that can be utilized to help preserve them.
- SB 5865, adding recreational target shooting in designated areas to the Recreational Immunity statute: This bill by Sen. Tim Sheldon (D-Potlatch/35th Dist.) had a hearing but never came up for a committee vote in Senate Agriculture, Water, Natural Resources, & Parks. It is almost surely "dead" for the 2022 Session. The legislation would have added recreational target shooting areas to the portion of state law that grants recreational immunity to private landowners who allow the public to utilize their lands free of charge for recreational pursuits.
- SB 5925/2SHB 2078, establishing the outdoor school for all program: These bills would utilize the \$52 million allocation proposed in the Governor's Operating Budget. The House bill, passed 92-6 off the House Floor on Saturday, will be the bill to watch.
- E2SHB 1099, improving the state's climate response through comprehensive planning: This House-passed bill is due for a Senate Housing & Local Government committee vote this coming Thursday. 1099 calls for cities and counties to integrate climate change planning into their GMA comprehensive plans. It includes a "null and void" clause so it cannot take effect without required funding. 1099 also has a Sec. 11(33) definition of "Active Transportation," including trails, that we worked with the bill sponsor to include: *"(33) 'Active transportation facilities' means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way."*
- **E2SHB 1117, integrating salmon recovery into GMA comprehensive planning:** This bill is due for a Senate Housing & Local Government Committee hearing this Wednesday. **1117** adds salmon recovery as a GMA goal and requires local jurisdictions to incorporate a net-ecological gain strategy into the land use element during plan updates. Like **HB 1099**, it has a "null and void" clause to ensure it will not go into effect without financial support from the state.
- **HB 1607, concerning the Safe Routes to Schools program:** This legislation directs that the State General Fund (*rather than the Transportation Budget*) fund this popular program beginning Jan. 1, 2025. **1607** remains in Appropriations and likely is "dead" for the 2022 Session unless its sponsor succeeds in inserting something into the Supplemental Operating Budget.
- **HB 1672, concerning local property tax levies for Conservation Futures programs:** This bill was never scheduled for a committee vote in House Finance. It is likely "dead" for the 2022 Session. I'll report back if that changes.
- **HB 1707, requiring Personal Flotation Devices (PFDs) on human-powered vessels:** This bill by House Community & Economic Development Chair Cindy Ryu (D-Shoreline/32nd Dist.) remains on the Floor Calendar and appears increasingly unlikely to move. **HB 1707** would require that those operating stand-up paddleboards, canoes, or kayaks wear a Personal Flotation Device (PFD) at all times they are underway.
- HB 1823, environmental leadership through outdoor recreation and climate change investments: This legislation would rename the Carbon Emission Reduction Account within the Climate Commitment Act, calling it the "Outdoor Recreation & Climate Adaptation Account." It also would re-direct \$125 million a biennium into the new account and includes provisions beneficial to trail users, recreational boaters, and others. It is almost assuredly "dead" for the 2022 Session.
- **HB 1824, concerning outdoor recreation affordability:** This bill is similar to **SB 5608** (*but without the proposed General Fund transfer*). It would repeal the Discover Pass program. **1824** remains in House Community & Economic Development and is likely "dead" for the Session.
- **HB 1870, concerning certain wheeled ATVs:** This bill never came up for a House Transportation Committee vote and may be "dead" for the Session. **1870** would define the equipment needed for an ATV to be a "qualifying Washington All-Terrain Vehicle" (WATV).
- **HB 1882, concerning better Washington outdoor recreation leadership and development:** This bill never received a hearing and is probably "dead" for the Session. It would have established a Joint Select Committee on Better Washington Outdoor Recreation Leadership.

- HB 1915, HB 1969, SB 5687, SB 5974, expanding the use of traffic safety cameras to enforce speed zones: Cities such as Tacoma and Spokane are hoping for expanded authority to use traffic-safety cameras to enforce speed limits in school zones, hospital zones, public parks zones, and at intersections beset by accidents and collisions. Neither HB 1915 nor HB 1969 had the votes to get out of the House Transportation Committee, but Committee Chair Jake Fey helped include traffic camera speed enforcement provisions in Section 424 of the "Move Ahead Washington" revenue bill, SB 5974. Meanwhile, the Senate approved SB 5687 last Wednesday by a razor-thin 25-24 vote, with three Democrats joining 21 Republicans in opposing the measure. 5687 includes a provision allowing local jurisdictions to establish a 20 MPH speed limit on non-arterial highways without first going through engineering and traffic investigations. It also has language expanding the use of traffic safety cameras to detect speed violations in any school walking area.
- SHB 1918, regarding the use of zero-emission power equipment: See listing above.
- **HB 1925, county park infractions:** This WRPA-*supported* bill appears to have "died" for the Session. It would authorize the issuance of civil infractions for violations of rules or regulations within county parks facilities. However, it never came up for a House Local Government committee vote.
- HB 2058, concerning the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places: This bill prime-sponsored by Rep. Steve Tharinger (D-Dungeness/24th Dist.) advanced last Thursday to the House Floor Calendar. It would exempt State Parks facilities on the National Historic Register from leasehold excise taxes. Because this bill is consistent with our desire to support State Parks where we can, we have registered *support*.
- HB 2074, concerning fees collected from out-of-state residents who register off-road vehicles in Washington: This bill advanced to the House Floor Calendar on Saturday. It is prime-sponsored by Vancouver Rep. Sharon Wylie (D-49th Dist.). It would require a resident of a state that borders Washington that does not impose sales and use tax on off-road vehicles (Hint: Oregon ☺) to pay a filing fee and a service fee if registering an ORV in Washington State.