WEEK 6 REPORT ON 2022 SESSION OF THE LEGISLATURE & WEEK 7 HEARINGS/"EXECS" For WRPA President, Executive Board, Executive Director, Legislative Committee

Doug Levy - 2/21/2022

The revenue forecast was high, high, high. A lot of bills went bye, bye, bye (so, too, will the state's indoor mask mandate, come March 21). And we'll soon say hi and hello to a slew of budgets. That's a very quick snapshot of Week 6 of the Legislature and the week ahead.

Last Tuesday, lawmakers hit a major cutoff deadline where any House bill not designated as necessary to the budget had to be voted off the Floor or considered "dead" for the Session. The same was true in the Senate. The hearty bills that *did* survive now must cross over into the "opposite chamber" – e.g., House bills having to go through a gauntlet of Senate hearings and Senate bills coming under a House spotlight. A day after the Floor cutoff came updated revenue forecasts, which were nothing short of jaw-dropping: State revenues jumped \$452 million since the last quarterly update, and the overall revenue forecast was adjusted upward \$1.4 billion for 2021-23 and \$1.3 billion for 2023-25. That's an astonishing \$2.7 billion increase for four years.

By this coming Tuesday, we will have seen and heard about all six (6) of the Legislature's budgets. The Senate released its Capital Budget last Wednesday afternoon and will pass an amended version out of the Ways & Means Committee on Monday. That same day, there will be rollouts of and hearings on both the Senate's and House's Supplemental Operating and Transportation budgets. The House's 2022 Capital Budget will be out Monday afternoon and up for a hearing Tuesday afternoon. That's the crazy pace of a 60-day Session, where Olympia-watchers and advocates go from having seen no legislative budgets to seeing a half-dozen of them, all within the span of a few days.

While budgets stack up, the "hearty bills" I mentioned have a daunting task: They must pass "opposite chamber" policy committees by the close of business Thursday, while bills with a fiscal impact (all those not fortunate enough to be designated "Necessary to Implement the Budget") must clear fiscal committees by a week from Monday (Feb. 28). After that comes a final $1\frac{1}{2}$ week sprint to the end of the 2022 Session.

For WRPA, Week 6 was a tough one, mostly because our priority local parks funding options bill "died" in the House Rules Committee despite a variety of efforts to get it unstuck. On the positive side are significant bicycle and pedestrian investments in the transportation package, a derelict vessel removal bill, and no truly damaging bills still alive.

Below is my customary 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 7 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*) Last Tuesday came and went without our priority bill, **SHB 1025**, moving out of the House Rules Committee or off the House Floor. It is, unfortunately, "dead" for the 2022 Session. We will be able to have more post-mortem time after the Session is over, but on a preliminary note I would say we will need to adjust our strategy going forward. We are in an era of the Legislature where moving a bill forward that is solely focused on new sales tax authority has become extremely challenging – for numerous reasons. We give a final thanks to prime sponsor Emily Wicks (D-Everett/38th Dist.) and No. 2 sponsor Carolyn Eslick (R-Sultan/39th Dist.) for their work on **1025**.

*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) No significant news to report on this one. As I shared previously, the Recreation & Conservation Office (RCO) is working to establish 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.

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

(*Operating Budget*) Aside from our local parks funding options bill, here is a peek at other items designed to address M&O and overall revenue losses suffered by parks and natural resource agencies:

- We will learn today (Monday) the status of 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 to significantly expand outdoor education and "outdoor experiences" for kids in grades K-12 is dependent both on the Operating Budget and accompanying legislation (*2SHB 2078 Outdoor School for all bill*) that could involve some partnerships with our local parks agencies.
- **HB 1672** on Conservation Futures levies is almost assuredly "dead" for the 2022 Session. It would have removed 1 percent property tax limits for 13 counties that run Conservation Futures programs.
- **E2SSB 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. It passed out of the Senate and will be heard Tuesday afternoon in the House Appropriations Committee.

Strongly Support

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

(*Capital Budget*) There were no worrisome transfers or diversions of dedicated outdoor recreation monies in the Senate's 2022 Capital Budget (**PSSB 5651**) that rolled out last week. We do not expect any heartburn today (Monday), either, when the House releases **PSHB 1781**, its version of the 2022 Supplemental Capital Budget. It helps, of course, that the state's revenue picture has brightened *substantially*. One problematic bill we tracked was **SB 5632**, establishing a Washington Water Infrastructure Program. The provision of concern appropriated a minimum of 10 percent of all bonds authorized each biennium, up to a total of \$5 billion. **5632** did not advance – 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 ESSB 5974/HB 2119 and PSSB 5975/HB 2118 – the revenue and spending bills that comprise the "Move Ahead Washington" package. 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) Last Thursday, in less than an hour, **HB 1700** was heard *in* and voted unanimously *out of* the Senate Agriculture, Water, Natural Resources & Parks Committee. **HB 1700** adds 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 (PSSB 5651/PSHB 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. In the Senate's 2022 Supplemental Capital Budget released last Wednesday afternoon, commitments to affordable housing and assisting those in crisis comprised the biggest category of investment -- \$472 million. That includes \$290 million for "Rapid Rehousing Acquisition," a \$71 million additional investment in the Housing Trust Fund, \$86 million in additional capacity for individuals in crisis, and \$25 million to Habitat for Humanity. We expect the House Capital Budget being released today to be an even higher-water mark. We also will see both the Senate and House versions of the Operating Budget today.
- ESHB 1866, assisting those receiving community support services through medical assistance programs to receive supportive housing: The bill establishes the "Apple Health and Homes Program" to provide 12-month renewable supportive housing benefits to medical assistance enrollees meeting eligibility criteria related to medical risk factors and barriers to stable housing. It passed the House and will be heard in the Senate Health & Long-Term Care Committee today.
- **2SHB 1905, reducing homelessness for youth discharged from a publicly funded system of care**, passed the House 94-3 Saturday. This bill calls on the Department of Children, Youth, and Families to develop and implement a rapid response team to support youth exiting a publicly funded system of care. It had a hearing Friday and is expected to be voted upon Tuesday afternoon in the Senate Committee on Human Services, Reentry & Rehabilitation.
- 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 had a hearing last Wednesday in Senate Housing & Local Government and is scheduled for a committee vote this coming Wednesday.
- E2SSB 5662, inter-governmental coordination to address homeless encampments on WSDOT-owned rights-of-way: This legislation passed off the Senate Floor by a 36-12 vote last Monday. It is scheduled for a Tuesday hearing and a Thursday committee vote in House Housing, Human Services & Veterans. The Governor-request bill directs that state agencies coordinate inter-governmental efforts on encampments with local agencies, with the priority goal of finding people permanent supportive housing. Funding in the Operating and Transportation budgets will be a key to making this bill work. Concerns remain with 5662, as the Washington Low-Income Housing Alliance and other housing advocates worry that it will be misused as a tool to conduct homeless "sweeps."
- SHB 1880, providing a state sales tax credit for "Housing Benefit Districts": This bill had been scheduled for a House Finance Committee vote last Thursday but that vote was deferred. 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:** While this bill did not pass off the House Floor by the close-of-business Feb. 15 cutoff deadline, we have been told there likely will be funding and budget proviso language calling for an interim study or Work Group process. **1782** included new requirements for cities to accommodate density and missing-middle housing types near major transit stops and throughout single-family zones.
- **Bill on Accessory Dwelling Units (ADUs) ESHB 1660:** By the narrowest of margins, this bill cleared the House last Monday, 50-48, with seven (7) Democrats joining all 41 Republicans in voting 'no' on it. The bill establishes a series of state requirements for local ADU ordinances in terms of minimum and maximum square footage, parking requirements, fees, and 'owner-occupancy' provisions. **1660** is scheduled for a Wednesday morning hearing in the Senate Housing & Local Government Committee.
- SHB 1908, addressing surplus public property for affordable housing. This bill advanced to the House Floor Calendar but did not come up for a vote last week. It is "dead" for the 2022 Session. 1908 amended surplus property laws to make it easier for local governments to use surplus property for affordable homeownership projects.
- HB 1738, changing the total amount of outstanding indebtedness of the Washington State Housing Finance Commission: This bill seems to be well on its way. 1738, which is up for a Tuesday hearing and Thursday committee vote in Senate Housing & Local Government, increases the Commission's debt limit from the current 8 percent to 14 percent.
- ESB 5832, expanding the multifamily tax exemption program to include converting existing multifamily units: This bill will be heard today in the House Finance Committee. In counties with a population of 300,000 or more, 5832 expands the Multi-family Property Tax Exemption (MFTE) program to include the conversion of existing market rate units to affordable housing.
- ESHB 1841, incentivizing rental of accessory dwelling units to low-income households: ESHB 1841 is a tax-incentive measure with broad *support*. It is up for a Tuesday hearing and Thursday committee vote in Senate Housing & Local Government. 1841 grants a property tax exemption for ADUs rented to those with incomes at or below 60 percent of Area Median Income (AMI).
- ESSB 5428, concerning the application of the state environmental policy act (SEPA) to temporary shelters and transitional encampments: After receiving a hearing last Thursday in House Environment & Energy, ESSB 5428 is being scheduled for a committee vote this Tuesday morning. 5428 exempts temporary shelters or transitional encampments from the requirements of the State Environmental Policy Act (SEPA) but only if a series of conditions are met. One of those is that the shelter or encampment must be in a jurisdiction that has declared a homelessness emergency something few jurisdictions have done.
- **SSB 5923, concerning temporary emergency shelters:** After moving to the Senate Floor Calendar last Monday, this bill failed to come up for a vote and is "dead" for the 2022 Session. It would have provided cities and counties the authority to waive building codes related to emergency shelters.

*"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 had a hearing in the House Finance Committee last Thursday and awaits a potential "Executive Session" committee vote. 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. The part of **1918** that has sparked concerns from state and local government agencies is the one requiring purchases of zero-emission power equipment beginning in 2025 (with a few exemptions). The Governor's Office is now involved in crafting amendments to **1918**, so we will see what happens.
- 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: These bills may be "dead" for the 2022 Session, as neither made it to a Floor vote last week. Lewis County lawmakers introduced the bills in response to a tragic bridge-jumping and cold-water shock drowning in their District last year. 1595/5673 encourage local agencies to post signage on or near bridges regarding the dangers of bridge jumping and cold-water shock downing. The legislation also includes explicit language to ensure there is no "legal duty" for local governments, whether they post signage or not.

Others

- Transportation new-revenue package ESSB 5974/HB 2119, PSSB 5975/HB 2118 "Move Ahead Washington": Move Ahead WA includes \$1.23 billion for active transportation programs and projects, financed with carbon-reduction monies. The package would permanently dedicate nearly one-fourth (24 percent) of all "Climate Commitment Act" carbon-reduction dollars towards active transportation investments. It 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 and cut off by prior transportation investments. Here is the updated (Feb. 20) link to the full list of designated bike-ped projects: stLEAPDocument2022-NL-2-PSSB5975-022022.pdf (wa.gov)
- 2SSB 5332, off-road and wheeled All-Terrain Vehicles (ATVs): This bill by Sen. Mike Padden (R-Spokane Valley/4th Dist.) is scheduled for a Wednesday afternoon hearing in the House Transportation Committee. 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 out of the House Community & Economic Development Committee last Friday.
- SB 5505, SHB 1967, property tax exemptions for Farmers Markets: Both these bills are moving briskly ahead. SB 5505 is scheduled for a Tuesday hearing and Thursday committee vote in House Finance, while SHB 1967 will be heard Tuesday morning in the Senate Business, Financial Services & Trade Committee. Both bills enable churches and public meeting halls that host Farmers Markets to retain underlying property tax exemptions.
- SB 5608, concerning free access to state parks and public lands: This bill is "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 had 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 is "dead" as well, having never received a vote in the Senate Agriculture, Water, Natural Resources and Parks Committee. 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. 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 WRPA.
- **SB 5633/HB 1895, DNR-Request Keep Washington Evergreen:** We will learn from today's release of 2022 Supplemental Operating Budgets whether these WRPA-*supported* bills are coming back to life. Neither came up for a vote in their respective policy committees. The bills call 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 used 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 "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.
- **E2SHB 1099, improving the state's climate response through comprehensive planning:** This bill passed on a 6-5 vote out of the Senate Housing & Local Government Committee last Thursday and awaits a Ways & Means hearing. **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. The bill includes a Sec. 11(33) definition of "Active Transportation," including trails, that we worked on with the bill sponsor: "(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: 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. It has a Senate Housing & Local Government Committee vote this coming Wednesday.
- **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 is almost certainly "dead" for the 2022 Session unless we see it show up in the House's Supplemental Operating Budget.
- **HB 1647, concerning the Building for the Arts program:** We *support* this bill, which would increase funding for the BFA program from \$12 million a biennium to \$18 million a biennium while increasing the state match from 20 percent to one-third (33.33 percent). **HB 1647** is up for a Tuesday afternoon committee vote in Senate Ways & Means.
- **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 "dead" for the 2022 Session.
- **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.) "died" on the House Floor Calendar. **HB 1707** would have required 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 have renamed the Carbon Emission Reduction Account within the Climate Commitment Act, calling it the "Outdoor Recreation & Climate Adaptation Account." It also would have re-directed \$125 million a biennium into the new account and included provisions beneficial to trail users, recreational boaters, and others. It is "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 have repealed the Discover Pass program. **1824** remains in House Community & Economic Development and is "dead" for the Session.
- **HB 1870, concerning certain wheeled ATVs:** This bill never came up for a House Transportation Committee vote and is very likely "dead" for the Session. **1870** would have defined 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 "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, after being approved in the Senate on a 25-24 vote, **SB 5687** will receive a hearing Friday in the House Transportation Committee. **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 has "died" for the Session. It would have authorized the issuance of civil infractions for violations of rules or regulations within county parks facilities. 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 Capital Budget Chair Steve Tharinger (D-Dungeness/24th Dist.) passed unanimously off the House Floor last Monday and awaits a hearing in the Senate Ways & Means Committee. WRPA *supports* the legislation, which would exempt State Parks facilities on the National Historic Register from leasehold excise taxes.
- **HB 2074, concerning fees collected from out-of-state residents who register off-road vehicles in Washington:** This bill passed unanimously last Monday and will be heard Tuesday afternoon in the Senate Transportation Committee. It is prime-sponsored by Vancouver Rep. Sharon Wylie (D-49th Dist.). **2074** would require a resident of a state that borders Washington that does not impose sales and use tax on off-road vehicles (Oregon) to pay a filing fee and a service fee if registering an ORV in Washington State.
- **2SHB 2078, establishing the outdoor school for all program:** This bill would utilize the \$52 million allocation proposed in the Governor's Operating Budget. It passed 92-6 off the House Floor and awaits a hearing in the Senate Ways & Means Committee.