

**WEEK 1 REPORT ON 2019 SESSION OF THE LEGISLATURE -- & WEEK 2 HEARINGS/"EXEC'S"
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy - 1/21/19

The 2019 Session began last week with some familiar paths travelled and some new ground plowed.

The familiar? Swearings-in for new Members on Monday, the Governor's "State of the State" address a day later, and a week replete with hearings and Work Sessions on the Governor's proposed budgets.

The new? This array of lawmakers is being touted as perhaps our state's most diverse one yet, with more woman of color than the Senate has ever seen, and a history-making election of Rep. My-Linh Thai (D-Bellevue/41st Dist.), the first former refugee voted into the State Legislature. Rep. Thai issued a news released to celebrate this breakthrough:

<https://housedemocrats.wa.gov/thai/2019/01/14/rep-my-linh-thai-makes-history-as-washingtons-first-refugee-legislator/>

Week 1 also previewed some of the high-profile issues that will dominate the legislative conversation throughout Session: numerous work sessions on the Governor's Orca Recovery Task Force recommendations; a batch of discussions of mental health; and a plethora of housing and homelessness bills. At the end of the week, the Senate Transportation Chair disseminated his first on-paper handouts detailing a proposed revenue package – one which will receive a hearing this coming Thursday.

It was a busy week 1 for WRPA, as we testified on the Governor's proposed 2019-21 Capital Budget in both the Senate and the House and worked to get our priority local parks funding options bill introduced (*it is **HB 1371** in the House – see below*).

Below is an overview of where we stand on WRPA's 2019 Legislative Agenda priorities, followed by a bullet-style rundown of other legislation impacting us specifically and local governments in general. A Week 2 hearings list is attached separately, with recommendations on where to testify, sign in, or simply monitor.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development

(Policy Bill)

Our thanks to former Sultan Mayor and current Rep. Carolyn Eslick (R-Sultan/39th Dist.), who is the House prime sponsor of our WRPA-promoted bill to establish new funding options in law for local parks agencies. I also want to do a shout-out to our Metro Parks Tacoma for helping us to sign on several legislators as co-sponsors for our House bill. The bill number is **HB 1371** and you can read the measure here:

<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/House%20Bills/1371.pdf>

In the Senate, we are hoping that Sen. Jesse Salomon (D-Shoreline/32nd Dist.) will be our prime sponsor. The Senator has tentatively agreed to do so but wants to ensure we can sign on Republican Members to make the bill bi-partisan.

Our WRPA bill allows city-, county-, Metropolitan Park District-, and Park District-run agencies to establish Parks Benefit Districts – paralleling existing statutory authority that lets cities and counties establish "Transportation Benefit Districts." In our case, the 'PBDs' are provided four main financing tools: 1) a sales tax of up to 0.1 percent, contingent on voter approval; 2) the ability to form "Parks Improvement Districts" or

PIDs, just as cities and counties can form 'Local Improvement Districts' or LIDs; 3) the ability for MPDs and Park Districts to more directly impose impact fees; and 4) bonding authority against the sales tax. We will learn soon enough what type of opposition and/or concerns we will encounter on this bill.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) The 2019-21 Capital Budget submitted by the Governor is now **SB 5134/HB 1102**. The Senate Ways & Means and House Capital Budget committees each held public hearings on it last Wednesday. My thanks to Lakewood Parks Director Mary Dodsworth, who sits on the Washington Wildlife & Recreation Coalition (WWRC) Board for WRPA and is a past president, for testifying in both committees. I also appreciate lobbyists Al Aldrich (*for Marysville and Stanwood*) and Shelly Helder (*for Kenmore, Bellevue, Kent, Othello et al*) testifying in the House and Senate, respectively, with me. Together we made a strong case that we appreciate the strong first step in the Governor's budget on WWRP (\$115 million), but lamenting the missed opportunity to fund the Youth Athletic Fields (YAF) and Aquatic Lands Enhancement Accounts at recommended levels. We urged lawmakers in the final Capital Budget to bring YAF and ALEA back at a minimum to the \$12 million and \$6.6 million levels recommended by the Recreation and Conservation Funding Board. The Governor's funding levels were \$5.035 and \$4.93 million, respectively.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) To add to our concern on the ALEA funding *level* in the Governor's budget, we also expressed our concern over the source of funding. Rather than use ALEA dedicated funds that are available, the Governor's budget moves those to the Operating Budget and puts an expectation on the Legislature to backfill his fund transfer with bonds. However, key legislators have emphasized that capital budget bonds are going to be under extreme pressure due to the need for significant mental health facilities investment. Incidentally, I also want to give props to the testifiers from the WWRC who did a good job flagging the YAF and ALEA concerns in their testimony and further expressing their nervousness about the bond-backfill maneuver.

"Support/Oppose" Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) There have already been dozens of affordable housing and homelessness-prevention bills introduced, and on Friday, **HB 1406** joined the list. **1406**, prime-sponsored by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.), is the 2019 version of 2018's **Substitute House Bill 2437**, which provided state sales tax credits to local governments for construction of affordable housing units. The 2019 bill, **HB 1406**, has a multi-part formula for splitting the sales tax credit between cities and counties, with interested cities able to secure at least a .01 percent sales tax credit. A link to **HB 1406**, which has not yet been scheduled for hearing, is here:

<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/House%20Bills/1406.pdf>

Oppose Legislation to Prematurely Place Regulatory Burdens on "Crumb Rubber" Fields

(Potential Policy Bill) WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields. We are not aware of any legislation having been worked on or introduced at this time.

"Big Tent" Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supports the continued work of the "Big Tent" Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. The Big Tent will present in front of the Legislature's "Outdoor Recreation Caucus" on the morning of Jan. 24. Big Tent is also organizing a reception for legislators on March 14.

Support efforts to make the system of outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) The Office of Financial Management (OFM), through a study provision passed by the Legislature, has been analyzing costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs. WRPA had been prepared to support a bill to make the system of passes more convenient and user-friendly. However, no legislation is on the horizon just yet.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(Capital, Transportation, Operating Budgets) As part of its ongoing “Healthy and Active Communities” initiative begun several years ago, the WRPA will work to ensure adequate funding of grant programs and budgetary items that help youth and adults to live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budgetary items WRPA will support include:

- Public Health District and “Healthiest Next Generation” funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

One note on these items comes with the release Friday by Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.) of a potential new-revenue package for transportation. Funded through increases in the gas tax, carbon fees, building impact fees, and various weight and licensing fees, Hobb’s proposal is for some \$16 billion worth of transportation investment over the next 10 years. Senator Hobbs will have a Work Session on Thursday to take testimony on this concept and see if there is enough support to formally introduce a bill and investment and project details. The Senator’s proposal would include \$165 million in additional funds for bicycle and pedestrian grants, \$60 million more for the Safe Routes to School grant program, and an added \$110 million for Complete Streets.

Other Bills

(If you have bills you wish me to add, or are interested in particular legislation impacting local parks and recreation, please contact me at Doug@outcomesbylevy.onmicrosoft.com)

- **City of Monroe-promoted bill providing a methodology for a city to de-annex from a Parks District:** We don’t have a bill number on this one yet, but have worked with Monroe to try and find mutually-acceptable language. The version of the bill prepared for introduction will be prime-sponsored by Rep. Eslick and as a first option, allows for the de-annexation from a Park District if both the City and the District pass resolutions agreeing on it. If that can’t be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*). I’ve sent this bill around to the WRPA legislative distribution list for feedback in hopes we can work with Monroe in support. Please let me know if you have any strong concerns or heartburn with the bill draft as currently written.
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill by our colleagues at Metro Parks Tacoma is written very narrowly to enable their agency to provide additional compensation to their Parks Commissioners given the size of the Metro Parks Tacoma budget and the amount of work involved for their Commissioners. The bill had a largely positive hearing last Thursday in Senate Local Government and is due for a hearing in House Local Government (**HB 1092**) on Tuesday. **WRPA supports this bill.**
- **HB 1028, making it easier for counties to designate roadways suitable for off-road vehicles:** This bill is up for a hearing Monday afternoon in the House Transportation Committee.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill is prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) and is scheduled for a Friday morning hearing in the House Rural Development, Agriculture, & Natural Resources Committee.

**WEEK 2 REPORT ON 2019 SESSION OF THE LEGISLATURE -- & WEEK 3 HEARINGS/"EXECs"
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 1/26/19

In this season of the Oscars and the Golden Globes and the Grammys, it's doubtful there are awards for killing trees or causing massive reams of paper to be processed. If there were, though, the Washington State Legislature would have to be one of the favorites.

Through the first two weeks of the 2019 Session and counting the bill-introduction lists for this coming Monday, just over 700 bills had been introduced in the Senate and just under 700 filed in the House. Olympia watchers are calling this one of the faster-paced 'long' Sessions (105 days) they can remember.

Is this flurry of bills and activity due to the nearly 30 newly-elected Members who are bring their new ideas to the Capitol? Or the nearly 10-month layoff between the 2018 Session and this one? Or the fact that "bluer" Senate and House majorities are putting forth initiatives held back during more divided Legislatures? In truth, it may well be a combination of all those things. No matter the reason, with many of these bills impacting local governments in some manner, we have a lot to keep track of.

During Week 2, we saw the Senate hold a y'all come hearing on a transportation revenue proposal, drawing an odd-bedfellows combination of testifiers.

For WRPA, it was a very productive Week 2. We got the House version of our parks local funding options bill scheduled for public hearing and the Senate version introduced. I also met with the House Capital Budget Committee Vice-Chair and Senate Democratic Caucus staff on our Youth Athletic Fields (YAF) and Aquatic Lands Enhancement Account (ALEA) funding-level concerns.

Below is an overview of where we stand on WRPA's 2019 Legislative Agenda priorities, followed by a bullet-style rundown of other legislation impacting us specifically and local governments in general. I've separately attached the Week 3 hearings list with recommendations on where to testify, sign in, or simply monitor.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development

(Policy Bill)

The House version of our legislation, **HB 1371** by former Sultan Mayor Carolyn Eslick (R-Sultan/39th Dist.), is scheduled for a 10 a.m. Tuesday hearing in the House Local Government Committee. Thus far, I have Monroe City Administrator Deborah Knight joining me in testifying in strong support of our WRPA-promoted bill to establish new funding options in law for local parks agencies. Meanwhile, our Senate bill is now introduced as well – **SB 5680** prime-sponsored by Sen. Marko Liias (D-Edmonds/21st Dist.). I have already prepared a list of potential amendments to this bill as we are fielding some concerns about the impact fee provisions. We also anticipate further changes and are working to set up a meeting Monday with City of Tacoma to hear their concerns regarding the legislation.

As a reminder, our WRPA bill allows city-, county-, Metropolitan Park District-, and Park District-run agencies to establish Parks Benefit Districts – paralleling existing statutory authority that lets cities and counties establish “Transportation Benefit Districts.” In our case, the ‘PBDs’ are provided four main financing tools: 1) a sales tax of up to 0.1 percent, contingent on voter approval; 2) the ability to form “Parks Improvement Districts” or PIDs, just as cities and counties can form ‘Local Improvement Districts’ or LIDs; 3) the ability for MPDs and Park Districts to more directly impose impact fees; and 4) bonding authority against the sales tax.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) The 2019-21 Capital Budget submitted by the Governor is now **SB 5134/HB 1102**. We have expressed appreciation for the strong first step in the Governor’s budget on WWRP (\$115 million), but have noted our strong belief that the final Capital Budget should fund YAF and ALEA at least to the Recreation and Conservation Office (RCO) recommended levels of \$12 million and \$6.6 million, respectively. The Governor’s funding levels were \$5.035 and \$4.93 million, respectively. I will be continuing to make our case this coming week in meetings with the top Capital Budget-writers for the Senate and House.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) To add to our concern on the ALEA funding *level* in the Governor’s budget, we also expressed our concern over the source of funding. Rather than use ALEA dedicated funds that are available, the Governor’s budget moves those to the Operating Budget and puts an expectation on the Legislature to backfill his fund transfer with bonds. However, key legislators have emphasized that capital budget bonds are going to be under extreme pressure due to the need for significant mental health facilities investment. We will press for ALEA to be funded from the dedicated accounts that are designed for that very purpose.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

- *(Policy Bills)* Companion bills **SB 5646** prime-sponsored by Senate Housing Stability & Affordability Committee Chair Patty Kuderer (D-Bellevue/48th Dist.) and **HB 1406** by Rep. June Robinson (D-Everett/38th Dist.) are scheduled for hearings this coming Wednesday and Friday, respectively. The companion bills would provide an estimated \$60 million in state sales tax credits to cities and counties to construct affordable housing – and enable those local governments to bond against the revenues (at their discretion) for \$300 million+ in additional housing investment. **5646/1406** use a multiple-part formula for splitting the sales tax credit between cities and counties. As for other housing bills, in the first two weeks of Session we’ve seen lawmakers introduce dozens and dozens of bills related to funding and revenue tools, tenant protections, accessory dwelling units and ‘tiny homes,’ protection for mobile home park residents, foreclosure protection, and much more. I will endeavor to get you a full list soon, but in the meantime here’s a handful of interest:

- ✓ **HB 1581, allowing the City of Tacoma to utilize a housing trust fund:** This bill would allow Tacoma, for up to 20 years and up to \$5 million a year, to impose a special sales tax to generate funding for affordable housing and social-service organizations. No public hearing has been set yet;
- ✓ **SB 5358/HB 1377, requiring cities to allow for a density bonus to enable affordable housing construction on property owned by religious organizations:** These companion bills each have hearings this coming week;
- ✓ **SB 5582, imposing a graduated Real Estate Excise Tax and using the funding (in part) for affordable housing:** This bill is a variation of the Governor’s request legislation, one which reallocates where proceeds from a graduated REET tax would be deposited. About one-sixth would go into the Housing Trust Fund, a 2-percent share into the Public Works Assistance Account, a 4.1-percent share into the Education Legacy Account, and the rest into the General Fund. The percentages are tweaked further beginning in July 2023, under this bill;
- ✓ **HB 1590, councilmanic authority for counties to impose a 0.1 percent sales tax for affordable housing/behavioral health:** This bill is a slight variation to **SHB 1797** from the 2017/2018 Sessions of the Legislature. It provides counties – and then cities, if counties do not act by a time-certain – authority to councilmanically impose the 0.1 percent sales tax for affordable housing and behavioral health. No public hearing has been set yet.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(Potential Policy Bill) WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields. [We still have not seen any legislation on this topic.](#)

“Big Tent” Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supports the continued work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. The Big Tent presented in front of the Legislature’s “Outdoor Recreation Caucus” last Thursday morning and is pursuing ideas for further development of a statewide, one-stop outdoor recreation portal. Stay tuned.

Support efforts to make the system of outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) The Office of Financial Management (OFM), through a study provision passed by the Legislature, has been analyzing costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs. WRPA had been prepared to support a bill to make the system of passes more convenient and user-friendly. However, no legislation is on the horizon just yet. This item was discussed at last Thursday’s Outdoor Recreation Caucus, but, again, no bill is forthcoming yet.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(Capital, Transportation, Operating Budgets) As part of its ongoing “Healthy and Active Communities” initiative begun several years ago, the WRPA will work to ensure adequate funding of grant programs and budgetary items that help youth and adults to live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budgetary items WRPA will support include:

- Public Health District and “Healthiest Next Generation” funding -- *Operating Budget*;
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- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

As previously reported, the new-law revenue proposal from Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.) would include \$165 million in additional funds for bicycle and pedestrian grants, \$60 million more for the Safe Routes to School grant program, and an added \$110 million for Complete Streets. Several groups expressed appreciation for this multi-modal funding, and word is that Sen. Hobbs heard enough of a positive response at a hearing he held last Thursday to prepare a more formal proposal.

Other Bills

(If you have bills you wish me to add, or are interested in particular legislation impacting local parks and recreation, please contact me at Doug@outcomesbylevy.onmicrosoft.com)

- **No Bill – Potential Emergency Rule-Making – Prevailing Wage Issue/Landscape Maintenance:** Last Thursday, I joined Candice Bock of the Association of Washington Cities (AWC) for a meeting with Sen. Steve Conway (D-Tacoma/29th Dist.), Vice-Chair of the Senate Labor & Commerce Committee. Sen. Conway is playing a lead role on this issue, as the Legislature looks to both statutory and rule-making efforts to deal with some “unintended consequences” of a 2018-passed bill, **SB 5493**. The unintended consequence for cities, housing authorities, and parks agencies was a State Department of Labor & Industries (L&I), interpretation of **5493** that would result in landscape maintenance prevailing wages more than *doubling*. Sen. Conway assured us the Legislature is committed to helping ensure that L&I moves forward with an emergency rule-making on this item – and is willing to transmit a letter to L&I if we are encountering delays.
- **HB 1699, City of Monroe-promoted bill providing a methodology for a city to de-annex from a Parks District:** As reported, we have worked with Monroe to try and find mutually-acceptable language for this bill. **HB 1699**, prime-sponsored by Rep. Eslick, lays out a first option allowing for de-annexation from a Park District if both a City and a District pass resolutions agreeing on it. If that can't be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*). [I've sent this bill around for feedback in hopes we can work with Monroe in support.](#) Please let me know if you have any concerns.
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill by our colleagues at Metro Parks Tacoma is written very narrowly to enable their agency to provide additional compensation to their Parks Commissioners given the size of the Metro Parks Tacoma budget and the amount of work involved for their Commissioners. The Senate bill cleared its policy committee and, on Friday, progressed to the Senate Floor Calendar. The House legislation is scheduled to move out of House Local Government on Wednesday. [WRPA supports this bill.](#)
- **SHB 1028, making it easier for counties to designate roadways suitable for off-road vehicles:** An amended version of this bill moved out of the House Transportation Committee during Week 2.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) had a hearing last Friday and is scheduled for Executive Session action this coming Friday in the House Rural Development, Agriculture, & Natural Resources Committee.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** These bills are up for hearings Monday in House Appropriations and Thursday in Senate Agriculture, Water, Natural Resources, and Parks. They allow courts run by counties under population 100,000 to keep fine revenue from Discover Pass violations.
- **HB 1277, changing the definition of three-wheeled and E-Bikes:** This bill is scheduled for a hearing Monday in House Transportation. The group Washington Bikes has concerns with this bill.
- **HB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** Sen. Ann Rivers (R-La Center/18th Dist.) is the prime sponsor of this bill, which is similar to one she did in 2018. No hearing has been scheduled yet.

**2019 Session—Week 3 List of Hearings & “Executive Sessions” —
Recommendations on Testify/Sign-In/Monitor for Public Hearings are in *Italics***

Monday, January 28, 2019

House Environment & Energy, 1:30 p.m. – Hearing on **HB 1194**, preventing toxic pollution that affects public health or environment. Directs Ecology to develop “Chemical Action Plans” regarding chemicals, on a regular schedule. *MONITOR – FYI the Association of Washington Cities (AWC) is in SUPPORT.*

House Appropriations, 3:30 p.m. – Hearing on **HB 1293**, concerning the distribution of monetary penalties to local courts and state agencies related to failure to comply with Discover Pass requirements. Allows courts in counties with population 100,000 or fewer to retain the fine revenue. *MONITOR.*

Tuesday, January 29, 2019

Senate Local Government, 8 a.m. – Hearing on **SB 5249**, City of Lacey-promoted legislation eliminating referendum requirements for certain “island” annexations; and **SB 5225**, City of Kelso-promoted legislation related to selection of lowest responsible bidder. *MONITOR.*

House Local Government, 10 a.m. – Hearing on **HB 1357**, City of Lacey-promoted legislation eliminating referendum requirements for certain “island” annexations; **HB 1598**, allowing annexations to proceed without a vote if the county and city develop an Inter-Local Agreement; **HB 1371** regarding the formation of Parks Benefit Districts; and **HB 1174**, City of Kelso-promoted legislation related to selection of lowest responsible bidder. *Doug Levy will lead a panel TESTIFYING in SUPPORT of our WRPA-Priority bill 1371; MONITOR on rest.*

House Rural Development, Agriculture & Natural Resources, 10 a.m. – Hearing on **HB 1578**, implementing recommendations of the Orca Recovery Task Force regarding the increasing of chinook salmon abundance; and **HB 1580**, concerning Orca Recovery Task Force recommendations on vessel noise. *MONITOR.*

House Health Care & Wellness, 1:30 p.m. – Hearing on **HB 1335**, concerning opioid disorder treatment, prevention, and services; **HB 1393**, fully implementing behavioral health integration; and **HB 1394**, concerning community facilities needed to ensure a continuum of care for behavioral health patients. *MONITOR all for now.*

House Environment & Energy, 3:30 p.m. – Hearing on **HB 1257** concerning energy efficiency. Among other things, the bill provides local jurisdictions discretion to adopt more stringent codes than the state minimum. *MONITOR.*

Wednesday, January 30, 2019

Senate Environment, Energy & Technology, 8 a.m. – Hearing on **SB 5412**, Governor-request legislation that involves establishing a Low-Carbon Fuel Standard (LCFS). *MONITOR.*

House Rural Development, Agriculture & Natural Resources, 8 a.m. – Hearing on **HB 1324**, creating the Washington rural development and opportunity zone act. *MONITOR.*

House Innovation, Technology & Economic Development, 8:30 a.m. – Hearing on **HB 1498**, expanding affordable, resilient broadband service – Governor-request legislation. *MONITOR*.

Senate Housing Stability & Affordability, 1:30 p.m. – Hearing on **SB 5646**, providing state sales tax credit monies to cities and counties to construct affordable housing; and **SB 5358** concerning affordable housing development by religious organizations. *MONITOR*.

Thursday, January 31, 2019

Senate Local Government, 8 a.m. – Hearing on **SB 5372**, requiring submitted projects to be deemed “procedurally complete” upon submittal; and **SB 5618** increasing bid limits as well as the Small Works Roster limits. *MONITOR 5372 for now* though I’m guessing Planning Directors will have *CONCERNS* with this bill – checking further; *sign in SUPPORT* of **5618** – adds flexibility for local governments.

House Environment & Energy, 8 a.m. – Hearing on **HB 1233**, changing the requirements for including “Best Available Science” in critical area regulations to one that cities and counties “must consider” available science. *MONITOR* – this bill has no Democratic sponsors and may just be receiving a courtesy hearing from the Chair.

House Finance, 1:30 p.m. – Hearing on **HB 1166**, providing sales and use tax exemptions for self-help housing developments. *MONITOR*.

Senate Ways & Means, 3:30 p.m. – Hearing on **SB 5390**, providing property tax relief to preserve homeownership for seniors. *MONITOR*.

House Transportation, 3:30 p.m. – Hearing on **HB 1160**, the Governor’s 2019-21 Transportation Budget. *MONITOR*.

House Appropriations, 3:30 p.m. – Work Session on behavioral health programs.

Friday, February 1, 2019

Senate Health & Long-Term Care, 8 a.m. – Hearing on **SB 5396**, allowing certain adult family homes to increase capacity to eight (8) beds. *MONITOR for now* – this is the Senate companion to a bill (**HB 1023**) that already had a House Health Care & Wellness hearing and is due to move out of Committee.

House Housing, Community Development & Veterans, 10 a.m. – Hearing on **HB 1406**, providing state sales tax credit monies to cities and counties to construct affordable housing; **HB 1377** concerning affordable housing development by religious organizations; and **HB 1219** providing cities and counties authority to use second quarter-percent Real Estate Excise Taxes (REET) toward affordable housing. *MONITOR*.

House Local Government, 10 a.m. – Work Session on policies that impact local governments’ ability to fund and address service needs. *This is a likely lead-in to the Local Government Chair’s plan to introduce a bill removing the 1 percent property tax cap on cities and counties.*

House Civil Rights & Judiciary, 10 a.m. – Hearing on **HB 1319**, authorizing cities and counties to enact policies restricting the open-carry of firearms into any public meeting held by that city/county. *MONITOR*.

**WEEK 4 REPORT ON 2019 SESSION OF THE LEGISLATURE -- & WEEK 5 HEARINGS
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 2/9/19

“Great Outdoors Day” in Olympia – A Resounding Success!

Thank you to the dozens of local parks professionals who descended on Olympia last Thursday for Great Outdoors Day. You were a key component of the 150+ people who registered for the day and helped us raise our voices, effectively, on funding needs for the Washington Wildlife & Recreation Program (WWRP), the Youth Athletic Fields program (YAF), and the Aquatic Lands Enhancement Account (ALEA). I heard about the positive in-office meetings many of you had, and was delighted to emcee for all of you over the noon hour as we heard from six of the Capital Budget negotiators as well as the House prime sponsor of our local parks funding options bill. The day was capped off by the evening reception at the Governor’s Mansion. To all of you: Thank you, thank you, thank you!

So, I could attempt to lead this report off with fancy prose about bills or budgets pending in Olympia – but why bother? The reality is that customary happenings in the State Capital have been overshadowed by a highly unusual “Snowmageddon 2019,” making a warm and pretty dry January seem like a distant memory.

A healthy dumping of snow bookended the start and end of Week 4, and Mother Nature may have several inches more in store for this coming Week 5. Luckily, we avoided a downpour of the white stuff on Great Outdoors Day.

We’re now getting closer to a first crunch-time period in the 2019 Session, with Friday, Feb. 22 looming as an initial committee cutoff deadline for policy bills to pass through or be declared “dead” for 2019 (*unless they can be attached to other bills or brought back alive through amendments*). A week later, on March 1, we will have the first major cutoff deadline for bills that have fiscal implications for one of the state budgets.

For WRPA, it was an excellent Week 4. First, our priority local parks funding options bill (**SHB 1371**) passed out of the House Local Government Committee on Wednesday, and the companion Senate bill (**PSSB 5680**) was scheduled for public hearing. The next day, we all made the rounds for Great Outdoors Day. Good stuff!

Below is an overview of where we stand on WRPA’s 2019 Legislative Agenda priorities, followed by a bullet-style rundown of other legislation impacting us specifically and local governments in general. I’ve separately attached the Week 5 hearings list with recommendations on where to testify, sign in, or simply monitor.

(Go to Page 2 to start the remainder of this report)

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Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development

(Policy Bill)

As noted at the outset of this report, **SHB 1371** by Rep. Carolyn Eslick (R-Sultan/39th Dist.) passed out of the House Local Government Committee last Wednesday on a 4-3 party-line vote. Two of the Republicans who vote no did so based on the Sec. 13 impact fees portion of the bill. The sea change we decided upon at week's end is that the Sec. 13 provisions are being taken out of the Senate bill as it is readied for hearing. It will be amended out of the House bill as well. It's my hope that the Sec. 13 deletion will quiet much of the static we've heard on **SHB 1371/PSSB 5680** – but you can never take that for granted. By the way, a quick “thank you” to Justin Brown of Longview, who is planning to come next Thursday (Feb. 14) to testify in strong support of **PSSB 5680**.

As now amended and soon-to-be amended, these bills allow city-, county-, Metropolitan Park District-, and Park District-run agencies to establish Parks Benefit Districts – paralleling existing statutory authority that lets cities and counties establish “Transportation Benefit Districts.” In our case, the ‘PBDs’ will now have three (3) main financing tools: 1) a sales tax of up to 0.1 percent, contingent on voter approval; 2) the ability to form “Parks Improvement Districts” or PIDs, just as cities and counties can form ‘Local Improvement Districts’ or LIDs; 3) bonding authority against the sales tax. The bills also include several clarifying amendments, including language to ensure no one would be foreclosed from receiving sales tax proceeds within their service area.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) The 2019-21 Capital Budget submitted by the Governor is **SB 5134/HB 1102**. We appreciate that on WWRP, the budget includes a robust \$115 million. On YAF and ALEA, the budget is below the recommended levels of \$12 million and \$6.6 million, respectively. The Governor's allocations were \$5.035 and \$4.96 million. We received very strong and positive signals last Thursday that the Capital Budget negotiators really like these programs and appreciate the fact that they are put together in prioritized order.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) Along with our concern on the ALEA funding level in the Governor's budget, we also have a concern over the source of funding. Rather than use ALEA dedicated funds that are available, the Governor's budget moves those to the Operating Budget and puts an expectation on the Legislature to backfill his fund transfer with bonds. We've consistently asked lawmakers to fund ALEA from the dedicated accounts that are designed for that very purpose.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) Last Monday and Wednesday, respectively, housing committees in the Senate and House unanimously approved **SB 5646** by Senate Housing Stability & Affordability Committee Chair Patty Kuderer (D-Bellevue/48th Dist.) and companion **HB 1406** by Rep. June Robinson (D-Everett/38th Dist.). The bills are now pending in Senate Ways & Means and House Finance. They would provide an estimated \$60 million in state sales tax credits to cities and counties to construct affordable housing – and enable those local governments to bond against the revenues (at their discretion) for \$300 million+ in additional housing investment. **5646/1406** includes a multiple-part formula for splitting the sales tax credit between cities and counties, with interested cities authorized to secure at least a .01 percent sales tax credit.

As for other housing and homelessness bills, there are *dozens and dozens* of them. Here's a thumbnail listing of several that are priorities or worthy of support – or have triggered concern in some cases:

- ✓ **HB 1591 and HB 1754/SB 5644, concerning the rights of homeless people and homeless encampments on property owned by religious organizations:** The **1591** legislation, up for a hearing Tuesday in House Civil Rights & Judiciary, has our parks officials extremely concerned. It prohibits *any* action against homeless people that could be characterized by the homeless as “harassing.” It further provides potential authority for the homeless to seek civil actions against local governments. My thanks to Olympia for offering a testifier for the hearing on this bill. Meanwhile, the issues around **1754/5644**, involving what cities may and may not do in regulating homeless encampments on church grounds, are more nuanced. I've fielded a couple of minor concerns about “safe parking” provisions and the overall one-size-fits-all nature of the bill being a problem. The **1754** companion had a hearing last Friday and the House Housing Committee chair has asked cities and the bill proponents to see what compromise language can be worked out. The **5644** measure will be heard Monday in Senate Housing Stability & Affordability.
- ✓ **HB 1590, councilmanic authority for counties (and cities, if counties don't act) to impose a 0.1 percent sales tax for affordable housing/behavioral health; and HB 1938, providing a sales tax remittance to cities which construct affordable housing units:** Together, these two bills form the nucleus of 2017 and 2018 legislation – **SHB 1797** – that cities and counties strongly supported. **1590** is scheduled to move out of the House Housing Committee this coming Wednesday, with **1938** scheduled for a hearing two days later.
- ✓ **HB 1493/SB 5357, modifying authority that allowed cities and counties to go to voters for a one-half of 1 percent REET to fund affordable housing:** City of Tacoma is promoting these companion bills to expand an authority that currently is applicable only to San Juan County. Both bills had hearings last week; **5357** is scheduled to move Monday out of Senate Housing Stability & Affordability.
- ✓ **SB 5334, SB 5219, HB 1576, reforming condominium liability laws:** The Senate bills have cleared their policy committees – with **5334** In Senate Rules and **5219** on the Senate Floor Calendar. **5334** ties condominium construction liability to meeting all applicable building codes vs. being in accordance with “all laws.” **5219** would exempt condos with fewer than seven (7) units from condominium construction warranty provisions. **1576**, up for hearing Tuesday in the House Civil Rights & Judiciary Committee, would require Homeowner's Associations to obtain affirmative votes from a majority of homeowners before moving forward with a condominium construction defect claim.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(*Potential Policy Bill*) WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields. It's doubtful at this point that we will see a bill on this topic.

“Big Tent” Outdoor Recreation Coalition

(*Budgetary, Policy Items*) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. The Big Tent is putting together a March 14 legislative reception and pursuing the idea of working with the Washington State Tourism Development Authority on a statewide, one-stop outdoor recreation portal. Stay tuned.

Support efforts to make the system of outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) The Office of Financial Management (OFM), through a study provision passed by the Legislature, has been analyzing costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs. It's unlikely we will see any 2019 bill in this issue area.

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

(Capital, Transportation, Operating Budgets) Through our "Healthy and Active Communities" initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District and "Healthiest Next Generation" funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and "Complete Streets" funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

We are watching for more formal introduction soon of a new-law revenue package from Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.). It will be comprised, we're told, of three (3) bills. It likely will have \$165 million in additional funds for bicycle and pedestrian grants, \$60 million more for Safe Routes to School grants, and \$110 million for "Complete Streets." I've shared that 2019 passage of a package that invests as much as \$16 billion over 10 years will be a rather 'heavy lift.'

Additionally, as previously reported, the Washington State Association of Counties (WSAC) is part of a coalition pushing for \$100 million in new funding for public health programs. Hand in hand with the funding request is a bill – **HB 1497** prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.) – to establish a "Foundational Public Health Services" framework in Washington State. **1497** had a hearing last Friday and is scheduled to move out of House Health Care & Wellness either this coming Wednesday or Friday.

Other Bills

(If you have bills you wish me to add, or if you are interested in particular legislation impacting local parks and recreation, please contact me at Doug@outcomesbylevy.onmicrosoft.com)

- **No Bill – Potential Emergency Rule-Making – Prevailing Wage Issue/Landscape Maintenance:** Nothing new to report from Week 4. We are joining with others in local government to promote an emergency rule-making to deal with "unintended consequences" of a 2018-passed bill, **SB 5493**. The unintended consequence for cities, counties, housing authorities, and parks agencies was a State Department of Labor & Industries (L&I), interpretation of **5493** that would result in landscape maintenance prevailing wages more than *doubling*.
- **HB 1699, City of Monroe-promoted bill providing a methodology for a city to de-annex from a Parks District:** This bill had a hearing last Friday in the House Local Government Committee and is scheduled to move out of Committee this coming Friday. WRPA *supports* the bill – and I thank Vice President Paul Simmons (Olympia) for his testimony last Friday. **HB 1699**, prime-sponsored by Rep. Eslick, lays out several de-annexation options. The first is where both a City and a District pass resolutions agreeing to do so. If that can't be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*). The City of Sammamish had been seeking some new language for **1699** but will now pursue a separate bill on their idea.
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill by our colleagues at Metro Parks Tacoma is narrowly crafted to enable their agency to provide additional compensation to their Parks Commissioners, given the size of the

Metro Parks Tacoma budget and the amount of work involved for their Commissioners. The Senate bill remains on the Floor Calendar and the House bill has progressed to the Rules Committee. WRPA supports this bill.

- **SHB 1028, making it easier for counties to designate roadways suitable for off-road vehicles:** This legislation clarifies that certain local governments may designate roads and highways within their jurisdiction as suitable both for off-road vehicle use, generally, and for wheeled all-terrain use, specifically. **1028** advanced to the House Floor Calendar last Tuesday. Another bill modifying off-road vehicle regulations, **SB 5666**, awaits a hearing.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) passed out of its policy committee and was referred last Tuesday to the House Appropriations Committee.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** These bills continue to await action by the House Appropriations and Senate Agriculture, Water, Natural Resources, and Parks committees. They allow courts run by counties under population 100,000 to keep the proceeds from citations that stem from Discover Pass violations.
- **HB 1277, changing the definition of three-wheeled and E-Bikes:** This bill has had a hearing in House Transportation. Washington Bikes has concerns with it.
- **HB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** had a hearing last Wednesday in House Transportation.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** Sen. Ann Rivers (R-La Center/18th Dist.) is the prime sponsor of this bill, which is similar to a 2018 version. A Senate Local Government Committee hearing on **5613** is scheduled for this coming Tuesday.
- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** A Tuesday hearing is scheduled on this bill in the House State Government & Tribal Relations Committee.
- **SB 5692/HB 1708, increasing fishing and hunting license fees:** This Department of Fish & Wildlife request bill have Thursday and Friday hearings, respectively, in the Senate Agriculture, Water, Natural Resources, and Parks Committee and the Rural Development, Agriculture, and Natural Resources Committee.
- **SB 5751/HB 1772, regulating motorized scooters:** The Senate version of these companion bills will be heard Thursday afternoon in Senate Transportation. The Association of Washington Cities (AWC) had raised previous questions about this bill but now appears to be “OK” with it.
- **SB 5099, establishing recreational target shooting areas on certain public lands:** This legislation directs the Department of Natural Resources to designate and manage recreational target shooting areas on department-managed lands in Mason and Skagit counties by the end of 2019. It had a hearing on Jan. 24 and remains pending in the Senate Agriculture, Water, Natural Resources, and Parks Committee.
- **SHB 5148, concerning visible clothing requirements for hunters:** This bill has been jokingly dubbed the “let them wear pink bill.” It requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing. **5148** advanced to the Senate Floor Calendar last Tuesday.
- **HB 1510, governing the use of narrow track vehicles:** This bill had a hearing in House Transportation last Thursday and awaits further action.
- **HB 1846, making a technical correction for the disposition of off-road vehicle monies:** This bill is scheduled for a Thursday afternoon hearing in House Transportation.
- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill creates a new “Sasquatch” license plate, the proceeds of which would go to help with funding of State Parks M&O. It has not yet been scheduled for hearing.

**WEEK 5 REPORT ON 2019 SESSION OF THE LEGISLATURE -- & WEEK 6 HEARINGS
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 2/17/19

After an exceedingly rare shut-'er-down snow day last Monday, legislators dug out from the white stuff and plowed ahead (*pardon the pun*) in Week 5, with a first major cutoff deadline ahead.

This coming Friday is when we separate out policy-bill contenders and pretenders and learn which legislation will clear the first major hurdle of the 2019 Session. The Friday after that, March 1, is the deadline for bills with fiscal implications for state budgets. Reminder: While the Feb. 22 and March 1 deadlines separate 'live' bills from 'dead' ones, remember that bill language from a 'dead' bill can be amended onto other bill titles. Or, a bill can be declared "Necessary to Implement the Budget" (NTIB) and thus exempted from cutoff deadlines. The moral of the story is that even if a bill seems to be 'dead' for the Session, there are ways to resurrect it.

Aside from the 20+ inches of snow that set state records, the other headline grabber from Week 5 of the Legislature came Friday, when the Senate approved **SB 5339**. This legislation, queuing off a recent State Supreme Court decision, would statutorily eliminate the death penalty in our state and provide that all persons convicted of aggravated first-degree murder be sentenced to life in prison without the possibility of release or parole. The 28-19 Floor vote on this bill (two Senate Republicans were absent) was almost wholly partisan: Virtually every Democrat voted yes and virtually every Republican voted no. I used the term 'virtually' because Sen. Brad Hawkins (R-Wenatchee/12th Dist.) crossed over to cast a yes vote while Sen. Steve Hobbs (D-Lake Stevens/44th Dist.) joined 18 Republicans in voting no.

Underneath those headlines, it was a very good Week 5 for WRPA. Highlighting the week was the fact that our priority local parks funding options bill (**PSSB 5680**) had a controversy-free hearing in the Senate last Thursday. Yahoo!

Below is an overview of where we stand on WRPA's 2019 Legislative Agenda priorities, followed by a bullet-style rundown of other legislation impacting us specifically and local governments in general. I've separately attached a Week 6 hearings list with recommendations on where to testify, sign in, or simply monitor.

(Rest of report starts on Pg. 2)

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill)

Adding to what I wrote above, **Proposed Substitute Senate Bill 5680** by Sen. Marko Liias (D-Edmonds/21st Dist.) had an excellent hearing last Thursday in the Senate Local Government Committee. Sen. Liias, WRPA Vice President Paul Simmons (Olympia), City of Edmonds lobbyist Jennifer Ziegler, Candice Bock of the Association of Washington Cities (AWC), and I all testified in strong support. We also had Jan Himebaugh of the Building Industry of Washington (BIAW) testify that her organization is now neutral and appreciates an impact fee provision coming out of the bill.

As now amended and soon-to-be amended, these bills allow city-, county-, Metropolitan Park District-, and Park District-run agencies to establish Parks Benefit Districts – paralleling existing statutory authority that lets cities and counties establish “Transportation Benefit Districts.” In our case, the ‘PBDs’ will now have three (3) main financing tools: 1) a sales tax of up to 0.1 percent, contingent on voter approval; 2) the ability to form “Parks Improvement Districts” or PIDs, just as cities and counties can form ‘Local Improvement Districts’ or LIDs; 3) bonding authority against the sales tax.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) The 2019-21 Capital Budget is **SB 5134/HB 1102**. We appreciate that on WWRP, the budget includes a robust \$115 million. On YAF and ALEA, the budget is below the recommended levels of \$12 million and \$6.6 million, respectively. The Governor’s allocations were \$5.035 and \$4.96 million. Week 5 was a run-in-place week on these issues – we didn’t get a lot of new intelligence on how we’re doing.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) Along with our concern on the ALEA funding *level* in the Governor’s budget, we also have a concern over the *source* of funding. Rather than use ALEA dedicated funds that are available, the Governor’s budget moves those to the Operating Budget and puts an expectation on the Legislature to backfill his fund transfer with bonds. We’ve consistently asked lawmakers to fund ALEA from the dedicated accounts that are designed for that very purpose. No major Week 5 news to report on this one, either.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) This coming Thursday, the Senate Ways & Means and House Finance committees will hear **SB 5646** by Senate Housing Stability & Affordability Committee Chair Patty Kuderer (D-Bellevue/48th Dist.) and companion **HB 1406** by Rep. June Robinson (D-Everett/38th Dist.). The bills already sailed through their respective policy committees. They would provide an estimated \$60 million in state sales tax credits to cities and counties to construct affordable housing – and enable those local governments to bond against the revenues (at their discretion) for \$300 million+ in additional housing investment. **5646/1406** includes a formula allowing cities and counties to divvy up a state sales tax credit.

- As for other housing and homelessness bills, here’s a listing of several:
 - ✓ **SB 5334, HB 1576, reforming condominium liability laws:** The Senate bill advanced last Tuesday to the Senate Floor Calendar, while **1576** is due to move out of the House Civil Rights & Judiciary Committee this coming Wednesday. **5334** narrows condominium construction liability to meeting all applicable building codes vs. being in accordance with “all laws.” **1576** would require Homeowner’s Associations to obtain affirmative votes from a majority of homeowners before moving forward with a construction defect claim.

- ✓ **HB 1590, councilmanic authority for counties (and cities, if counties don't act) to impose a 0.1 percent sales tax for affordable housing/behavioral health; and HB 1938, providing a sales tax remittance to cities which construct affordable housing units:** Taken together, these two bills do essentially the same things proposed in 2017 and 2018 legislation we supported – **SHB 1797**. Both bills could move this coming week out of the House Housing, Community Development & Veterans Committee.
- ✓ **HB 1921, imposing a graduated Real Estate Excise Tax (REET) to help fund affordable housing:** Under this bill, new REET revenues not already being directed to the Public Works Assistance Account and the Education Legacy Trust Account through 2023 (2 percent and 4.1 percent, respectively), would be directed as follows: 70 percent to the Housing Trust Fund, and 30 percent to the General Fund. **1921** will be heard Tuesday morning in House Finance.
- ✓ **SSB 5357/HB 1493, modifying authority that allowed cities and counties to go to voters for a one-half of 1 percent REET to fund affordable housing:** Tacoma is promoting these companion bills to expand an authority that currently is applicable only to San Juan County. **5357** has cleared a policy committee and is up for a hearing this coming Thursday in Senate Ways & Means.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(Potential Policy Bill) WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields. No 2019 bill has surfaced – a good thing!

“Big Tent” Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. The Big Tent is putting together a March 14 legislative reception.

Support efforts to make the system of outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) The Office of Financial Management (OFM), through a study provision passed by the Legislature, has been analyzing costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs. We've not seen any 2019 bill in this issue area.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(Capital, Transportation, Operating Budgets) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

We are watching for more formal introduction soon of a new-law revenue package from Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.). It will be comprised, of revenue, spending, and bonding bills. It likely will have \$165 million in additional funds for bicycle and pedestrian grants, \$60 million more for Safe Routes to School grants, and \$110 million for “Complete Streets.” I've shared that 2019 passage of a package that invests as much as \$16 billion over 10 years will be very challenging.

Additionally, as previously reported, the Washington State Association of Counties (WSAC) is part of a coalition pushing for \$100 million in new funding for public health programs. Hand in hand with the funding request is a bill – **SHB 1497** prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.) – to establish a “Foundational Public Health Services” framework in Washington State. **SHB 1497** passed unanimously out of House Health Care & Wellness last Wednesday.

Other Bills

(If you have bills you wish me to add, or if you are interested in particular legislation impacting local parks and recreation, please contact me at Doug@outcomesbylevy.onmicrosoft.com)

- **No Bill – Potential Emergency Rule-Making – Prevailing Wage Issue/Landscape Maintenance:** I’ve shared the good news about a likely State Department of Labor & Industries (L&I) emergency rule-making on the landscape maintenance issue. We hope it can start soon and will address a previous interpretation of **Senate Bill 5493** from the 2018 Session, which resulted in landscape maintenance prevailing wages more than *doubling*.
- **HB 1699, HB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** There are now *two* bills in play in this issue area. **1699** already had a hearing in the House Local Government Committee; **2044** will be heard Tuesday and is due to pass out of the House Local Government Committee as early as Thursday. It covers both partial de-annexations from an MPD and those from a Park District, while **1699** focuses solely on Park Districts. WRPA *supports* these bills – though we have some nervousness regarding a potential amendment to **2044**. The bills lay out several de-annexation options. The first is where both a City and an MPD/Park District pass resolutions agreeing to do so. If that can’t be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the MPD/Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*). The City of Sammamish may seek new language for 2044 allowing their city to put a de-annexation from the Fall City MPD on the ballot through a simple councilmanic vote. I have heard from a couple of you who have *concerns* and will refer this to all.
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** On Friday, by a vote of 40-7, the full Senate approved **SB 5036** by our colleagues at Metro Parks Tacoma. The bill is narrowly crafted to enable their agency to provide additional compensation to their Parks Commissioners, given the size of the Metro Parks Tacoma budget and the amount of work involved for their Commissioners. The House bill remains in the Rules Committee. WRPA *supports* this bill.
- **SHB 1028, making it easier for counties to designate roadways suitable for off-road vehicles:** This legislation clarifies that certain local governments may designate roads and highways within their jurisdiction as suitable both for off-road vehicle use, generally, and for wheeled all-terrain use, specifically. **1028** passed off the House Floor last Thursday on a 96-0 vote. Another bill modifying off-road vehicle regulations, **SB 5666**, was re-referred last Friday to Senate Transportation.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) remains pending in the House Appropriations Committee.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** These companion bills continue to await action by the House Appropriations and Senate Agriculture, Water, Natural Resources, and Parks committees. They allow courts run by counties under population 100,000 to keep the proceeds from citations that stem from Discover Pass violations.
- **HB 1277, changing the definition of three-wheeled and E-Bikes:** This bill had a hearing in House Transportation in late January and has not moved since. Washington Bikes has concerns with it.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** moved out of House Transportation last Thursday with Members approving three (3) amendments to the bill.

- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** Sen. Ann Rivers (R-La Center/18th Dist.) is the prime sponsor of this bill, which is similar to a 2018 measure she introduced. The bill passed unanimously out of Senate Local Government last Tuesday and is in Senate Rules.
- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** This bill is scheduled to move either next Wednesday or next Friday out of the House State Government & Tribal Relations Committee.
- **SB 5692/HB 1708, increasing fishing and hunting license fees:** This Department of Fish & Wildlife request bill is listed for possible Executive Session action Thursday and Friday, respectively, in the Senate Agriculture, Water, Natural Resources, and Parks Committee and the House Rural Development, Agriculture, and Natural Resources Committee.
- **SB 5751/HB 1772, regulating motorized scooters:** The Senate version of these companion bills had a hearing last Thursday in Senate Transportation. The House measure will be heard this coming Thursday.
- **SB 5099, establishing recreational target shooting areas on certain public lands:** This legislation directs the Department of Natural Resources to designate and manage recreational target shooting areas on department-managed lands in Mason and Skagit counties by the end of 2019. It is scheduled to move next Thursday out of the Senate Agriculture, Water, Natural Resources, and Parks Committee.
- **SHB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing. **5148** remains on the Senate Floor Calendar awaiting a vote.
- **HB 1510, governing the use of narrow track vehicles:** This bill had a Feb. 7 hearing and remains pending in House Transportation.
- **HB 1846, making a technical correction for the disposition of off-road vehicle monies:** This bill is scheduled for a Monday afternoon hearing in House Transportation.
- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill creates a new “Sasquatch” license plate, the proceeds of which would go to help with funding of State Parks M&O. It has a hearing in Senate Transportation next Tuesday.

**WEEK 6 REPORT ON 2019 SESSION OF THE LEGISLATURE -- & WEEK 7 HEARINGS
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 2/24/19

Just as the snow-filled landscape around Olympia cleared up last week, so too did the legislative landscape – with a flurry of well over 2,000 bills now down to a more manageable number.

The Legislature passed its first major cutoff deadline Friday, with policy committees deciding which bills move forward for now and which ones are left on the cutting room floor. A second big deadline comes next Friday – this one for bills with budget impacts or tax implications to either clear a handful of fiscal committees or to be declared “dead” for Session.

As the Legislature passes its first committee deadlines and Members head to the Floor over the first two weeks of March, we’ll see an emphasis not just on bills but on budgets as well. Behind the scenes, Members who play a major role in negotiating the Operating, Capital, and Transportation budgets are meeting for several hours a day if not multiple times each day. We’re being told that even with the last several years of economic vitality and an uptick in revenues, the combination of population growth, burgeoning caseloads, employee compensation and benefit issues, and policy expectations (*K-12, mental health, affordable housing and homelessness, etc.*) leaves the Legislature having to raise as \$3.5 to \$4 billion in revenue to meet the state’s needs. Interestingly, that is about how much new revenue Governor Inslee proposed when he sent the Legislature his Operating, Capital, and Transportation budgets last December.

Thus far in Session, the one new-tax proposal that has been openly discussed and debated by lawmakers is a graduated Real Estate Excise Tax (REET) with the highest rates on sales transactions over \$5 million. But in closed-door settings, we are told majority Democrats are also weighing whether and how to bring forward other revenue measures such as a surcharge in state B&O tax rates or a capital gains tax. Here’s an interesting *Everett Herald* column from last Thursday on this very issue:

<https://www.heraldnet.com/news/what-a-surprise-democrats-eyeing-the-need-for-higher-taxes/>

Meanwhile, transportation revenue and tolling proposals and a certain initiative promoter were some of the big news-makers in Week 6. Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.) formally unveiled a 10-year, \$16.55 billion new revenue package – one which includes important new revenues for “healthy and active communities” priorities of ours. Chairman Hobbs’ Committee also had a public hearing on a measure to authorize tolling along the Interstate 405, State Route 167, and State Route 509 corridors. The initiative promoter I referenced, Tim Eyman, will see Senate and House Transportation Committees hold Tuesday hearings on his Initiative 976 (\$30 vehicle tabs) at the very same time he deals with a misdemeanor theft charge for allegedly taking a chair out of an Office Depot in Lacey without paying.

In the meantime, Week 6 was a mixed one for WRPA. Our priority local parks funding options bill (**SSB 5680**) passed out of Committee on a very good vote, but the House companion is going to “die” without a hearing in the House Finance Committee (*more on that below*).

Below is a status update on WRPA’s 2019 Legislative Agenda priorities, followed by a bullet-style rundown of other legislation impacting parks and recreation specifically and local governments in general. I’ve separately attached a Week 7 hearings list with recommendations on where to testify, sign in, or simply monitor.

(Rest of report starts on Pg. 2)

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill)

First the good news: Last Tuesday, by a 4-1 vote, the Senate Local Government Committee approved **Substitute Senate Bill 5680** by Sen. Marko Liias (D-Edmonds/21st Dist.). There was one amendment stipulating that, with the 0.1 percent sales tax authority, ballot measures to seek voter approval on the 0.1 must be conducted either at Primary Election or General Election time. We can live with this. There is no longer any outside opposition to our bill as it heads to the Senate Ways & Means Committee, on which Sen. Liias sits. I have asked the Committee Chair to schedule a hearing on the bill this week.

Now the not-so-good news: House Finance Chair Gael Tarleton (D-Seattle/36th Dist.), has made clear she will not hear or move our companion bill, **SHB 1371**. Rep. Tarleton's decision is based on the fact that the **1371** legislation creates "Parks Benefit Districts," technically making these new 'taxing districts.' She is not interested in creating new taxing districts. While I would argue that "Parks Benefit Districts" are in practice more of a mechanism than a *new* taxing district, that is not carrying the day with Chairwoman Tarleton.

As a result, I have contacted Sen. Liias, asking if I can work with both he and Senate staff on drafting title and substantive amendments to our legislation to enable it to address the three funding-option tools in **5680** (*0.1 sales tax, bonding, LID-like "Park Improvement Districts"*) without creating a new taxing district.

While all this is a bit of a setback, the good news is we still have a "live" bill to work on – at least for now!

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) The 2019-21 Capital Budget is **SB 5134/HB 1102**. We appreciate that on WWRP, the Governor's budget proposal includes a robust \$115 million. On YAF and ALEA, the budget is below the recommended levels of \$12 million and \$6.6 million, respectively. The Governor's allocations were \$5.035 and \$4.96 million. We are consistently hearing that lawmakers hope to get up to \$100 million for WWRP but will not reach \$115 million. The vibes we are getting on ALEA are very positive as well. **On YAF, the signals are not as clear – so please know that I will be doing an "Action Alert" this coming week to ensure affected agencies and their elected officials and lobbyists are being vocal about the need for \$12 million.**

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) Along with our concern on the ALEA funding *level* in the Governor's budget, we also have a concern over the *source* of funding. Rather than use ALEA dedicated funds that are available, the Governor's budget moves those to the Operating Budget and puts an expectation on the Legislature to backfill his fund transfer with bonds. We've consistently asked lawmakers to fund ALEA from the dedicated accounts that are designed for that very purpose. While I feel like the ALEA *funding level* will be higher than what the Governor proposed, I'm not getting clear signals back on the 'color of money' question.

"Support/Oppose" Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) Last Thursday, I testified in strong *support* of **SB 5646** before the Senate Ways & Means Committee. That same afternoon, a panel of testifiers did the same on **SHB 1406** in the House Finance committees. These companion bills by Sen. Patty Kuderer (D-Bellevue/48th Dist.) and Rep. June Robinson (D-Everett/38th Dist.) would provide over \$60 million this coming biennium in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable those local governments to bond against the revenues (at their discretion) for \$300 million+ in additional housing investments. **5646/1406** includes a formula allowing cities and counties to utilize at least a .01 percent sales tax credit. These bills are moving well and enjoy bi-partisan support, but the size of the state sales tax credit may be reduced before it's over.

As for other affordable housing, mental health, and homelessness bills, here's a listing of several:

- ✓ **SB 5537, expanding community-based mental health facilities through by issuing bonds:** This bill, scheduled for possible approval Monday in the Senate Ways & Means Committee, could be an important part of the funding equation for mental health this Session. It calls for issuing \$500 million in capital bonds to build community mental health facilities throughout the state. The \$500 million would be outside the state's debt limit and thus requires voter approval – with a November General Election ballot measure prescribed.
- ✓ **HB 1590, councilmanic authority for counties (and cities, if counties don't act) to impose a 0.1 percent sales tax for affordable housing/behavioral health; and HB 1938, providing a sales tax remittance to cities which construct affordable housing units:** I've reported that these two bills, in combination, cover the same ground as **SHB 1797** from the 2017-18 Sessions. **1590** is actually a broader authority than **1797**, allowing all counties (and cities, potentially) the 0.1 councilmanic authority. **1590** is up for a Tuesday hearing in House Finance and may move out of the Committee the next day. **1938** is up for hearing Wednesday morning in House Finance.
- ✓ **SHB 1591, dealing with the rights of those experiencing homelessness:** This legislation was amended and passed out of the House Civil Rights & Judiciary Committee on a 9-6 party-line vote last Friday morning. While it is improved from a sweepingly-broad initial version and contains exemption language to allow local and state governments to enforce public safety and health regulations, it is still considered problematic by state/local government attorneys who have reviewed it.
- ✓ **SSB 5383, regarding "tiny homes":** This bill, now on the Senate Floor Calendar, authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities. The bill also prohibits cities and towns from adopting ordinances that prevent entry or require removal of a tiny house with wheels used as a primary residence in a manufactured/mobile home community.
- ✓ **HB 2010, evaluating options for increasing involvement of for-profit housing developers in the 9 percent low-income housing tax credit program:** This bill passed out of the House Housing, Community Development, & Veterans Committee last Friday and is now in House Rules. The bill requires the Housing Financing Commission, by Dec. 1, 2019, to evaluate options by which to increase the participation of for-profit developers in the 9 percent Low-Income Housing Tax Credit (LIHTC) program.
- ✓ **SB 5334, SHB 1576, reforming condominium liability laws:** The Senate bill remains on the Senate Floor Calendar, while **1576** moved out of the House Civil Rights & Judiciary Committee last Friday in amended, watered-down form. **5334** narrows condominium construction liability to meeting all applicable building codes vs. being in accordance with "all laws." **1576** had required Homeowner's Associations to obtain affirmative votes from a majority of homeowners before moving forward with a construction defect claim. The amended version of the bill allows defect claims to go forward unless a majority of homeowners vote to reject that action. We support **5334** and **1576**.
- ✓ **SSB 5951, concerning tax incentives to encourage residential and mixed-use development in urban infill areas:** This bill, heard last week and passed out of Senate Local Government last Tuesday, creates a property tax exemption on the value of new construction or rehabilitation improvements and a sales tax exemption on labor services for qualifying projects to encourage urban infill development.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(*Potential Policy Bill*) WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields. No 2019 bill - yay!

“Big Tent” Outdoor Recreation Coalition

(*Budgetary, Policy Items*) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. There are two efforts underway: 1) Big Tent members have scheduled a Friday, March 1 conference call with the Washington Tourism authority to see if there might be a way to utilize tourism authority funds toward the establishment of a one-stop, comprehensive outdoor recreation portal; 2) Big Tent is putting together a March 14 legislative reception. If you are interested in attending the reception, let me know -- I'll put you in touch with Big Tent President or with former WRPA Executive Director Brit Kramer.

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(*Policy Bill/Bills*) The Office of Financial Management (OFM), through a study provision passed by the Legislature, analyzed the costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs. There will not be a 2019 bill in this issue area.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Last Thursday, Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.) introduced a 10-year, \$16.55 billion revenue package through **Senate Bill 5970**, **Senate Bill 5971**, and **Senate Bill 5972**. The bills are up for a public hearing Thursday afternoon at 1:30 p.m. in Chairman Hobbs' Committee. Chairman Hobbs' package would invest \$315 million in these “Healthy and Active Communities” programs: Bicycle and Pedestrian Grants - \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million. I will plan to either testify or sign in with support for these bills on Thursday.

Additionally, an update on **SHB 1497**, prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.). The bill, which would establish a “Foundational Public Health Services” framework in Washington State, is due for a hearing Monday afternoon in the House Appropriations Committee.

Other Bills

(*If you have bills you wish me to add, or if you are interested in particular legislation impacting local parks and recreation, please contact me at Doug@outcomesbylevy.onmicrosoft.com*)

- **No Bill – Potential Emergency Rule-Making – Prevailing Wage Issue/Landscape Maintenance:** I previously shared apparent good news about a likely State Department of Labor & Industries (L&I) emergency rule-making on the landscape maintenance issue. Unfortunately, an update from the Association of Washington Cities (AWC) on this issue shows the news is a bit murkier. From Candice Bock of AWC: “I have an update on this issue. Unfortunately, last time I shared that I had been told that LNI was going to initiate emergency rulemaking. Unfortunately, when I finally was able to speak with LNI directly, they said that their staff member who had shared that had done so prematurely. So LNI still hasn't made a determination about rulemaking. AWC will be sending a letter formally petitioning LNI for emergency rulemaking.”

- **SSB 5553, concerning safety and sanitation of fitness centers:** My thanks to our colleagues at Metro Parks Tacoma for flagging this legislation. **5553** is now before the Senate Ways & Means Committee, having passed out of Senate Health Care last Tuesday on a 6-3 party-line vote (*with one other Member voting "without recommendation"*). Concerns from seniors in Thurston County over an LA Fitness facility appears to be what led the prime sponsor, Sen. Sam Hunt (D-Olympia/22nd Dist.) to introduce **5553**. The bill requires the State Board of Health (SBOH) to adopt rules for safety and sanitation of fitness centers. The rules must include, but not be limited to, design, operation, injury and illness reporting, inspection, permit application and issuance, and enforcement procedures. Our folks have a concern about setting up a whole new statewide inspection program.
- **SSB 5434/HB 1530, requiring that weapons be banned from local libraries and parks facilities:** The Senate version of these bills progressed last week while the House version "died." The amended **5434** makes important changes to the underlying bill, which initially *required* local libraries and parks and recreation agencies to ban weapons in their facilities. The amended **5434**, passed on a 4-3 vote last Thursday, removes libraries from the bill and gives local parks agencies *discretion* to ban weapons, and post signage indicating as much.
- **HB 1699, SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** These bills passed unanimously out of the House Local Government Committee last Tuesday and Wednesday, respectively. Both are now in the House Rules Committee. In all likelihood, **2044** will be the "vehicle" as it establishes the exact same process for both MPDs and Park Districts, while **1699** focuses solely on Parks Districts. WRPA *supports* these bills, which lay out several de-annexation options. The first is where both a City and an MPD/Park District pass resolutions agreeing to do so. If that can't be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the MPD/Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*). We have had concerns that the City of Sammamish would seek new language for **2044** allowing their city to put a de-annexation from the Fall City MPD on the ballot through a simple councilmanic vote – vs. using the 10 percent petition process everyone else would be subject to. I'm now hearing that Sammamish will *not* pursue such an amendment – but I haven't verified that yet.
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the size of its budget and the amount of work involved for its Commissioners. **5036** has passed the Senate and **1092** is in House Rules. WRPA *supports* this legislation.
- **SHB 1028 and SB 5666, technical-fix bills on which off-road vehicles are subject to local government regulations; HB 1846, technical corrections to disposition of ORV funds:** All these bills are alive and moving. **1028** passed off the House Floor unanimously, while **5666** is scheduled for a hearing Monday in Senate Transportation. **1846** is up for a hearing Monday in House Transportation and has been scheduled for possible Executive Session action two days later.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) has not yet been scheduled for hearing in the House Appropriations Committee.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** The House bill continues to await action by the House Appropriations Committee, while the Senate measure appears to have 'died' in the Senate Agriculture, Water, Natural Resources, and Parks Committee. **1293** allows courts run by counties under population 100,000 to keep proceeds from fines paid due to Discover Pass violations.
- **HB 1277, changing the definition of three-wheeled and E-Bikes:** This bill had a hearing in House Transportation in late January and has not moved since. Washington Bikes has concerns with it.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** is now in House Rules.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** This bill by Sen. Ann Rivers (R-La Center/18th Dist.) passed unanimously off the Senate Floor last Wednesday. **5613** is similar to a 2018 measure Sen. Rivers introduced.

- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** This bill passed unanimously last Friday out of the House State Government & Tribal Relations Committee.
- **SB 5692/HB 1708, increasing fishing and hunting license fees:** It looks like the House bill will be the ‘vehicle’ for this Department of Fish & Wildlife request legislation. **1708** passed out of the House Rural Development, Agriculture, and Natural Resources Committee last Friday on a 12-2 vote. The Senate bill ‘died’ in the Senate Agriculture, Water, Natural Resources, and Parks Committee.
- **SB 5751/HB 1772, regulating motorized scooters:** While both of these bills have had hearings, they remain pending in the Senate and House Transportation Committees, respectively.
- **SSB 5099, establishing recreational target shooting areas on certain public lands:** This legislation directs the Department of Natural Resources to designate and manage recreational target shooting areas on department-managed lands in Mason and Skagit counties by the end of 2019. By a 5-1 vote (*with one other Senator voting “without recommendation”*), it passed Thurs out of the Senate Agriculture, Water, Natural Resources, and Parks Committee.
- **ESSB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing. **5148** passed unanimously off the Senate Floor last Wednesday.
- **HB 1510, governing the use of narrow track vehicles:** This bill had an early-February hearing and is due to move out of the House Transportation Committee this coming Thursday.
- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill creates a new “Sasquatch” license plate, the proceeds of which would go to help with funding of State Parks M&O. It had a hearing last Tuesday in Senate Transportation.
- **SHB 1953, reducing the amount of permits required for recreation at a sno-park:** This bill passed unanimously out of the House Housing, Community Development, & Veterans Committee last Friday and is now in the House Rules Committee.
- **SB 5919/HB 1996, creating a San Juan Islands stewardship special license plate:** These companion bills are due for hearings Monday in the Senate Transportation Committee and Thursday in the House Transportation Committee.

**WEEK 7 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/4/19

President's Day may have come and gone on our calendars, but Washington had another "presidential" day during Week 7 as the Legislature neared the 2019 Session halfway mark.

It was Governor Jay Inslee who cooked up the presidential flavor, announcing his candidacy for 'POTUS' on a platform of fighting and defeating climate change. Not so coincidentally, the Senate and House passed clean energy and clean environment bills off the Floor on Friday.

The partly-line votes on these bills – **E2SSB 5116** to ensure all-renewable energy resources by the year 2045 and **E2SHB 1112** on reducing greenhouse gas emissions from hydrofluorocarbons – came on the very day Inslee stood before 200 or so supporters at South Seattle-based A&R Solar to add his name to a crowded field of Democratic contenders pursuing the highest office in the land.

Meanwhile, lawmakers closed the door on their first fiscal cutoff (*close of business Friday*) and will now head toward 1½ weeks of heavy Floor action in both the Senate and House. The cutoff is a relief for those of us on the ground in Olympia, as an initial stack of a couple *thousand* bills trims down to several *hundred*.

For WRPA, it was a bittersweet Week 7 in which the Senate Ways & Means and House Finance Chairs decided they would *not* hold a hearing on our local parks funding options priority bills (**SSB 5680/SHB 1371**). The companion bills are thus 'dead' for the 2019 Session. While I'm disappointed and know that many of you share the disappointment, we **did** make some good progress in 2019 and I believe we'll have a chance to refine and re-pursue this bill. I also want to offer up an incredible "thank you" to several of you who sent encouraging e-mails or made phone calls to me – it meant a lot!

Below is a status update on WRPA's 2019 Legislative Agenda priorities, followed by a bulletized rundown of some other bills that touch parks and recreation specifically and outdoor recreation in general. There is no Week 8 hearing list, as virtually all the action is on the Floor, Caucus meetings, and Rules Committee sessions.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill) As I noted above, **SSB 5680/SHB 1371** failed to garner fiscal committee hearings and will have to be re-upped in 2020. I'm not entirely satisfied with the reasoning and I also don't believe we receive an adequate, thoughtful opportunity to state our case in front of Senate Ways & Means and House Finance. But the legislative process isn't always fair, and it's rarely easy, and moving fiscal bills through the process can often be a multi-Session grind. I hope to work with some of you over the next several months to court key legislators, secure stakeholder support, perhaps add a revenue tool (*especially since our impact fee idea ended up being stripped out of the bills*) and try again. Once again, folks – thanks for the work you did and the incredible support you provided!

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) The 2019-21 Capital Budget is **SB 5134/HB 1102**. We are still a few weeks away from the legislative roll-out of this budget but have learned that there are some new spending demands on Capital capacity that may squeeze overall fund for the likes of WWRP, YAF, and ALEA. On WWRP, for example, it may well be that \$100 million becomes the absolute top-end allocation we can expect. On ALEA, I am picking up positive signals. I'm having a harder time learning what lawmakers are thinking on YAF, and as a result, plan an "Action Alert" that will go out Monday morning. Please look for that and help if you can!

As a quick recap on these programs, the Governor's proposed allocations to the Legislature were \$115 million on WWRP, \$5.035 million on YAF, and \$4.96 million (*dedicated funding re-allocated, amount bond-backfilled*) on ALEA. That compares to Recreation and Conservation Office (RCO) recommendations of \$130 million, \$12 million, and \$6.6 million, respectively.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(*Capital Budget*) Our main effort in this priority area has been to remind key Capital budget-writers that ALEA should be funded as the dedicated account it is – not via “bond backfill” maneuvers. I feel like we've gained *good* traction with that message, particularly with Senate budget-writers. In particular, I have a strong sense that lawmakers will come in higher than the Governor's \$4.96 million threshold.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(*Policy Bills*) Last Monday, on a party-line 9-4 vote, the House Finance Committee approved **SHB 1406**. The Senate Ways & Means Committee did not act last week on the Senate companion bill, **SB 5646**, a clear signal that the House measure sponsored by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.) will be the “vehicle.” This legislation provides over \$60 million a biennium in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable those local governments to bond against the revenues (at their discretion) for \$300 million+ in additional buying power.

As for other affordable housing, mental health, and homelessness bills, here's my usual listing of a bunch:

- ✓ **HB 1219/SB 5195, providing cities permanent authority to use a portion of REET 2 revenues for planning, acquisition, repair, replacement, rehabilitation, or improvement of facilities for persons experiencing homelessness and affordable housing projects:** These bills have cleared policy and fiscal committees and are pending on the respective House and Senate Floor Calendars.
- ✓ **SHB 1591, dealing with the rights of those experiencing homelessness:** This legislation is in the House Rules Committee. While it was amended to be less objectionable than the initial version, it remains of concern. Efforts are being made to keep **1591** in House Rules. The amended bill contains exemption language to allow local and state governments to enforce public safety and health regulations – but, again, it is wide open to differing interpretations.
- ✓ **SHB 1754, allowing homeless encampments on property owned by religious organizations:** This bill, too, is pending in House Rules. Cities successfully worked on inserting grandfathering language into **1754** to utilize existing ordinances, regulations, and MOUs enacted before the effective date of the bill.
- ✓ **ESSB 5334, SHB 1576, reforming condominium liability laws:** Last Monday, by a 49-0 vote, the Senate approved **5334**. Meanwhile, on Thursday, **1576** advanced to the House Floor Calendar. **5334** narrows condominium construction liability to meeting all applicable building codes vs. being in accordance with “all laws.” **1576** had required Homeowner's Associations to obtain affirmative votes from a majority of homeowners before moving ahead with a construction defect claim. The amended version of the bill allows defect claims to go forward unless a majority of homeowners votes to reject that action.
- ✓ **HB 1590, councilmanic authority for counties (and cities, if counties don't act) to impose a 0.1 percent sales tax for affordable housing/behavioral health; and HB 1938, providing a 4.37 percent sales tax remittance to cities which construct affordable housing units:** Last Wednesday, on a 9-4 party-line vote, the House Finance Committee approved **1590**. Two days later, House Rules Committee Members advanced it to the Floor Calendar. In the meantime, **1938** is being exempted from cutoff and is due for a Friday, March 8 hearing in House Finance.

- ✓ **SSB 5951, concerning tax incentives to encourage residential and mixed-use development in urban infill areas:** This bill failed to get a hearing last week and thus ‘died’ in the Senate Ways & Means Committee.
- ✓ **SSB 5383, SSB 5384, regarding “tiny homes”:** Of these two bills, **5383** is on the Senate Floor Calendar while **5384** is pending before Senate Rules. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities. The bill also prohibits cities and towns from adopting ordinances that prevent entry. **5384** creates a process where a county can approve tiny-house communities outside Urban Growth Areas.
- ✓ **SSB 5357/HB 1493, allowing counties to impose additional Real Estate Excise Tax (REET) for affordable housing:** These bills did not clear their respective fiscal committees by the end-of-March 1 deadline. However, we’re told they may still have some life as the Legislature makes larger decisions on REET, including a possible graduated REET on more expensive sales transactions.
- ✓ **SSB 5537, expanding community-based mental health facilities through by issuing bonds:** This bill passed out of the Senate Ways & Means Committee last Monday with only one ‘no’ vote (*two other Senators voted “without recommendation”*). However, the Committee made major changes to **5537**. The original bill called for issuing \$500 million in capital bonds to build community mental health facilities throughout the state. The \$500 million would have been outside the state’s debt limit and thus required voter approval. The amended bill directs \$300 million to Department of Commerce for a competitive grant program to fund community behavioral health facilities. The other \$200 million is appropriated to the University of Washington for a behavioral health teaching hospital in Seattle.
- ✓ **SSB 5812/SHB 1797, regarding Accessory Dwelling Units (ADUs):** We’ve seen a few different Senate Floor Amendments for **5812**, which is pending in the Rules Committee. The bill is getting more discretionary for local governments, with a couple notable exceptions (*one of which is a prohibition on requiring owner occupancy, with which we have serious concerns*). The House legislation is completely optional as it emerged from the Local Government Committee, but a subsequent version is being worked upon.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(Potential Policy Bill) There will be no 2019 bill on this front – a good thing! WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields.

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(Budgetary, Policy Items) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. Two quick updates: 1) Big Tent members had a very productive conference call on Friday with the Washington Tourism Authority to see if WTA can host a one-stop, comprehensive, outdoor recreation portal on its website. Though many details remain to be worked out, the answer is a resounding “yes”; 2) Big Tent is putting together a March 14 legislative reception. If you are interested in attending, contact former WRPA Executive Director Brit Kramer at britk@redbarncommunications.com

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) We won’t see a 2019 bill on this front. The Office of Financial Management (OFM), through a study provision passed by the Legislature, had analyzed the costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Last Thursday, I testified in *support* as Senate Transportation Chair Steve Hobbs (D-Lake Stevens/44th Dist.) held a hearing on a 10-year, \$16.55 billion revenue package via **Senate Bill 5970**, **Senate Bill 5971**, and **Senate Bill 5972**. At the hearing, I noted that the package would invest \$315 million in these “Healthy and Active Communities” programs: Bicycle and Pedestrian Grants - \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million.

Additionally, an update on **SHB 1497**, prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.). The bill passed easily out of House Appropriations last Tuesday on a 32-1 vote. It is now in the House Rules Committee. While the original bill had much stronger language and direction on funding of ‘foundational public health, the amended version of **1497** is more focused on defining foundational public health services and requiring the Department of Health to work out an agreement on funding distribution with Tribes, the State Board of Health and the Washington State Association of Public Health Officers.

Other Bills

(If you have bills you wish me to add, or if you are interested in particular legislation impacting local parks and recreation, please contact me at Doug@outcomesbylevy.onmicrosoft.com)

- **No Bill – Potential Emergency Rule-Making – Prevailing Wage Issue/Landscape Maintenance:** Last week, the Association of Washington Cities (AWC) officially petitioned State Labor & Industries (L&I) to start an emergency rule-making to fix this issue. The petition also includes a proposed scope of work to define what is landscape maintenance. Here’s the link to a write-up of this issue by AWC: <https://wacities.org/advocacy/News/advocacy-news/2019/03/02/awc-petitions-l-i-for-emergency-prevailing-wage-rulemaking>
- **SSB 5553, concerning safety and sanitation of fitness centers: 5553**, with which we have *concerns*, did not receive a Senate Ways & Means Committee hearing last week and may be ‘dead’ – though it could be revived if Senate budget writers decide to allocate some \$1.7 million in funding for it. Concerns from seniors in Thurston County over an LA Fitness facility appears to be what led the prime sponsor, Sen. Sam Hunt (D-Olympia/22nd Dist.) to introduce **5553**. The bill requires the State Board of Health (SBOH) to adopt rules for safety and sanitation of fitness centers. The rules must include, but not be limited to, design, operation, injury and illness reporting, inspection, permit application and issuance, and enforcement procedures.
- **SSB 5434/HB 1530, requiring that weapons be banned from local libraries and parks facilities:** The Senate version of these bills remains in the Rules Committee. The amended **5434** removes libraries from the bill and gives local parks agencies *discretion* to ban weapons, and post signage indicating as much. The House measure, **HB 1530**, has ‘died.’
- **HB 1699, SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** Both bills advanced to the Floor Calendar last Thursday. **2044** is more likely to be the “vehicle” since it establishes the exact same process for both MPDs and Park Districts, while **1699** focuses solely on Parks Districts. WRPA *supports* these bills, which lay out several de-annexation options. The first is where both a City and an MPD/Park District approve resolutions agreeing to do so. If that can’t be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the MPD/Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*).

As I previously reported, we have had concerns that the City of Sammamish would seek new language for 2044 allowing that city to put a de-annexation from the Fall City MPD on the ballot through a simple councilmanic vote – vs. using the 10 percent petition process everyone else would be subject to. At this point, Sammamish has *not* pursued such an amendment. Stay tuned.

- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the size of its budget and the amount of work involved for its Commissioners. **5036** has passed the Senate and awaits a House Local Government hearing; **1092** advanced to the House Floor Calendar last Thursday. WRPA supports this legislation.
- **SHB 1028 and SSB 5666, technical-fix bills on which off-road vehicles are subject to local government regulations; HB 1846, technical corrections to disposition of ORV funds:** All three bills continue to move. **1028** passed off the House Floor unanimously and awaits a hearing in Senate Transportation; **5666** had a near-unanimous vote out of Senate Transportation and advanced to the Rules Committee on Friday; and **1846**, which passed unanimously out of House Transportation last Wednesday, is in the House Rules Committee.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) is likely in some trouble. It has been in the House Appropriations Committee for a month and has not yet been scheduled for a public hearing.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** These companion bills are on shaky ground as well. The House measure has been in the House Appropriations Committee for more than a month without receiving a hearing, while the Senate measure ‘died’ in the Senate Agriculture, Water, Natural Resources, and Parks Committee. **1293** allows courts run by counties under population 100,000 to keep proceeds from fines paid due to Discover Pass violations.
- **SHB 1277, changing the definition of three-wheeled and E-Bikes:** This bill had a hearing last week, then passed unanimously out of the House Transportation Committee last Thursday. **1277** is now in the House Rules Committee.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** moved to the House Floor Calendar last Friday.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** This bill by Sen. Ann Rivers (R-La Center/18th Dist.) passed unanimously off the Senate Floor and awaits a House Local Government Committee hearing.
- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** This bill passed unanimously out of the House State Government & Tribal Relations Committee and is in the House Rules Committee.
- **SB 5692/SHB 1708, increasing fishing and hunting license fees:** The ‘vehicle’ for this fee bill will be the House measure, which is in House Appropriations. Since **1708** raises revenue for the Washington Department of Fish & Wildlife (WDFW), it is not subject to the March 1 cutoff. My colleagues who represent sport-fishing tell me this one is likely to happen in some form.
- **SSB 5751/SHB 1772, regulating motorized scooters:** Both these bills cleared Transportation Committee last week, with **1772** getting a 25-5 vote on the House side (one Member voted without recommendation) last Wednesday and **5751** passing on an 11-2 vote a day later. Both bills are in the Rules Committees.
- **SSB 5099, establishing recreational target shooting areas on certain public lands:** This legislation directs the Department of Natural Resources to designate and manage recreational target shooting areas on department-managed lands in Mason and Skagit counties by the end of 2019. **5099** is in the Senate Rules Committee.

- **ESSB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing. **5148** passed unanimously off the Senate Floor and will be heard this coming Wednesday in the House Rural Development, Agriculture, and Natural Resources Committee.
- **HB 1510, governing the use of narrow track vehicles:** This bill received a near-unanimous vote out of House Transportation last Thursday and is now in the House Rules Committee.
- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill creates a new “Sasquatch” license plate, the proceeds of which would go to help with funding of State Parks M&O. It passed out of the Senate Transportation Committee last Thursday with eight (8) yes votes and five (5) other Members voting “without recommendation.” **5613** is in the Senate Rules Committee.
- **SHB 1953, reducing the amount of permits required for recreation at a sno-park:** This bill passed unanimously out of the House Housing, Community Development, & Veterans Committee and advanced to the House Floor Calendar last Thursday.
- **SB 5919/HB 1996, creating a San Juan Islands stewardship special license plate:** These companion bills are headed for Floor votes. **5919** passed unanimously out of Senate Transportation last Wednesday and advanced to the Senate Floor Calendar on Friday. **1996** passed 25-5 (with one Member voting “without recommendation”) out of House Transportation on Thursday and is in the House Rules Committee.

**WEEK 9 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/18/19

During Week 9, the Legislature entered the second half of the 2019 Session, passed its first major Floor-cutoff deadline, whittled down the number of bills on its plate, and headed toward a March 20 revenue forecast update that will set the stage for budgets to roll out in the next 10 days or so.

Last week's Senate and House Floor action – with the Senate passing 320 bills and the House approving 351 – means only about 30 percent of the 2,187 bills introduced this Session remain alive. The Governor signed four of those bills into law on Thursday afternoon, including **ESB 5273** to move our state's Presidential Primary Election from May to March, and **SSB 5954** to establish a bump stock buyback program in our state.

In the meantime, the March 20 revenue forecast update will be the final piece of information budget writers need to understand the “size of the box” they have to craft 2019-21 biennium Operating, Capital, and Transportation Budgets. I picked up information late last week indicating the forecast may be up between \$230 million on the low side and up to \$500 million on the high side. We'll get the hard facts on Wednesday.

For local governments, the results of Week 9 leave only a handful of objectionable bills still alive. For WRPA, much of our focus has been on pushing for key Capital Budget funding, particularly in the Youth Athletic Fields (YAF) program.

Below is a status update on WRPA's 2019 Legislative Agenda priorities, followed by a bulletized rundown of some other bills that touch parks and recreation specifically and outdoor recreation in general. I've separately attached the Week 10 hearing list along with recommendations on testifying, supporting, and monitoring bills in play.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill) As I previously reported, **SSB 5680/SHB 1371** failed to pass the fiscal committee cutoff deadline and we are in ‘wait til next year’ mode. I did have a very positive discussion with House Finance Chair Gael Tarleton (D-Seattle/36th Dist.), who would like to meet with us shortly after the 2019 Session concludes and work with us heading into 2020. I've shared with many of you that these types of efforts are typically multi-year in nature.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) We are now only a little over a week away from the legislative roll-out of the 2019-21 Capital Budget (**SB 5134/HB 1102**). We continue to hear that on WWRP, an allocation below \$100 million may be a new reality. On ALEA, I am picking up positive signals. I'm feeling better about YAF – particularly in the House – as a result of our recent “Action Alert” efforts, which we need to keep up!

As a quick recap on these programs, the Governor's proposed allocations to the Legislature were \$115 million on WWRP, \$5.035 million on YAF, and \$4.96 million (*dedicated funding re-allocated, amount bond-backfilled*) on ALEA. That compares to Recreation and Conservation Office (RCO) recommendations of \$130 million, \$12 million, and \$6.6 million, respectively.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) No news to report on this front. Our main effort in this priority area has been to remind key Capital budget-writers that ALEA should be funded as the dedicated account it is – not via “bond backfill” maneuvers. I feel like we've gained *good* traction with that message, particularly with Senate budget-writers.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) After passing out of the House on a 66-32 vote, **SHB 1406** now progresses to a 1:30 p.m. Wednesday hearing in front of the Senate Housing Stability & Affordability Committee. Prime-sponsored by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.), **1406** provides over \$60 million a biennium in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable those local governments to bond against the revenues (at their discretion) for \$300 million+ in additional buying power. We continue to hear a very positive prognosis for this bill, though the size of the tax credits may shrink a bit.

Regarding other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities and counties to increase urban residential density and affordability:** This bill passed off the House Floor last Wednesday by a 66-30 vote. Importantly, the amended bill has a “null and void” clause that renders it ‘dead’ if the Legislature’s Operating Budget does not include local planning grants to help pay for the provisions specified in the measure. **1923** is a well-intended bill – and certainly superior to more punitive Senate legislation which “died” (**SB 5769**) – to provide local governments a menu of options both for increasing residential density and for enhancing the affordability of housing stock. The bill also is somewhat lacking for ‘affordability’ options, with only three in the Floor-approved version: pass a housing levy; adopt a 10 percent ‘inclusionary zoning’ policy; or offer up surplus property for affordable housing. Discussions on this bill will continue.
- ✓ **ESSB 5812, regarding Accessory Dwelling Units (ADUs):** As passed off the Senate Floor last Monday (38-10 vote), this bill should be one that works for most cities and counties. It requires them to adopt ordinances by June 1, 2021 to allow ADUs. However, it exempts cities from doing so if they have adopted ADU regulations on or before the effective date of the Act (albeit while encouraging them to incorporate **5812** provisions and recommended development standards in their next comprehensive plan update). As with 1923, we expect discussions to continue and for this bill to continue to morph.
- ✓ **EHB 1219, providing cities permanent authority to use a portion of REET 2 revenues for planning, acquisition, repair, replacement, rehabilitation, or improvement of facilities for persons experiencing homelessness and affordable housing projects:** This Kirkland-promoted bill passed off the House Floor on a 74-24 vote and is scheduled for a Wednesday afternoon hearing in the Senate Housing Stability & Affordability Committee.
- ✓ **SHB 1591, dealing with the rights of those experiencing homelessness:** This legislation ‘died’ in the House Appropriations Committee. While it was amended to be less objectionable than the initial version, it remained a major concern. We are told this issue may be put on an interim list for further study.
- ✓ **SHB 1754, allowing homeless encampments on property owned by religious organizations:** This bill moved to the House Floor Calendar last Tuesday, but ‘died’ there. Cities successfully worked on inserting grandfathering language into **1754** to utilize existing ordinances, regulations, and MOUs enacted before the effective date of the bill.
- ✓ **ESSB 5334, SHB 1576, reforming condominium liability laws:** Both these bills are on the move. **5334** passed unanimously off the Senate Floor and is due to move out of the House Civil Rights & Judiciary Committee this coming Friday. **1576** passed off the House Floor on a 94-4 vote and is up for public hearing this coming Tuesday in the Senate Law & Justice Committee. **5334** narrows condominium construction liability exposure for builders. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with “all laws.”

1576 had required Homeowner's Associations to obtain affirmative votes from a majority of homeowners before filing a construction defect claim. The amended version is a bit weaker, allowing defect claims to go forward unless a majority of homeowners votes to reject that action.

- ✓ **HB 1590, councilmanic authority for counties (and cities, if counties don't act) to impose a 0.1 percent sales tax for affordable housing/behavioral health; and 2SHB 1938, providing a 4.37 percent sales tax remittance to cities which construct affordable housing units:** The fiscal components of these bills means they may still have life, though neither moved off the House Floor prior to last Wednesday's deadline.
- ✓ **ESSB 5383, SSB 5384, regarding "tiny homes":** Of these two bills, **5383** lives on while **5384** 'died.' **5383** authorizes cities and towns to adopt ordinances regulating creation of tiny house communities. The bill also prohibits cities and towns from adopting ordinances that prevent entry. **5383** passed 44-2 off the Senate Floor and will be heard Tuesday in House Local Government. **5384** created a process where a county could approve tiny-house communities outside Urban Growth Areas.
- ✓ **HB 2110, modifying the definition of affordable workforce housing for permitted countywide lodging tax expenditures:** This bill passed 59-39 off the House Floor and will be heard next Wednesday afternoon in Senate Housing Stability & Affordability. **2110** re-defines "affordable work force housing" to make it easier to fund projects housing the lowest-income populations. Whereas the prior "affordable workforce housing" definition covered a single person or family whose income is between 30 and 80 percent of the median income, the revised definition covers *all incomes* at or below 80 percent of the median.
- ✓ **SSB 5537, expanding community-based mental health facilities through by issuing bonds:** This bill moved to the Senate Floor Calendar in early March, but did not clear the Floor before the end-of-day March 13 cutoff. However, since it is a funding tool to address mental health facilities, it is likely "NTIB." As I previously reported, Committee Amendments to **5537** changed the bill markedly. The original bill called for issuing \$500 million in capital bonds to build community mental health facilities throughout the state. The \$500 million would be outside the state's debt limit and thus required voter approval. The amended bill directs \$300 million to the Department of Commerce for a competitive grant program to fund community behavioral health facilities. It appropriated the other \$200 million to the University of Washington for a behavioral health teaching hospital in Seattle.

Oppose Legislation to Prematurely Place Regulatory Burdens on "Crumb Rubber" Fields

(Potential Policy Bill) No 2019 bill on this front. WRPA, joined by interests representing schools, Public Health, recyclers, and others, came into the Session prepared to oppose legislation that places new regulatory hurdles on the use of crumb-rubber infill on synthetic playing fields.

"Big Tent" Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supports the work of the "Big Tent" Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. Two quick updates: 1) Big Tent members are in discussions with the Washington Tourism Authority to see if WTA can host a one-stop, comprehensive, outdoor recreation portal on its website; and 2) Big Tent had a very successful legislative reception last Thursday, with legislators and agency directors included among a list of 51 attendees. Thanks to those of you who joined us, including Larry Otos, Brian Adams of Skagit County, and more!

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient (*Policy Bill/Bills*) No 2019 bill on this front, either. The Office of Financial Management (OFM), through a study provision passed by the Legislature, had analyzed the costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Still pending in the State Senate is a 10-year, \$16 billion revenue package via **Substitute Senate Bill 5970**, **Substitute Senate Bill 5971**, and **Senate Bill 5972**. The package would invest \$315 million in these “Healthy and Active Communities” programs: Bicycle and Pedestrian Grants - \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million.

Additionally, regarding **2SHB 1497**, a “foundational public health” bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.): The bill passed the House on a 94-4 vote and will be heard Monday in the Senate Health & Long-Term Care Committee. While the original bill had stronger language and direction on funding of ‘foundational public health,’ the amended version deals more with defining foundational public health services and requiring Department of Health to work out an agreement on funding distribution with Tribes, the State Board of Health and the Washington State Association of Public Health Officers.

Other Bills

(New bills are at the bottom in **yellow highlighting**. If you have items you want added, or have questions on particular bills impacting local parks and recreation, e-mail me: Doug@outcomesbylevy.onmicrosoft.com)

- **No Bill –Emergency Rule-Making Implemented – Prevailing Wage Issue/Landscape Maintenance:** Yahoo! I shared the great news from last week that L&I has not only started but **implemented** an emergency rule to address this issue! To see how L&I is defining landscape maintenance, scoping out what fits under it, and determining wages, go to this link: http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp?utm_medium=email&utm_source=govdelivery
- **SSB 5553, concerning safety and sanitation of fitness centers:** Having failed to receive a fiscal committee hearing, **5553** is almost surely ‘dead’ for the 2019 Session. We had *concerns* with this legislation. To resuscitate it, Senate budget writers would have to allocate some \$1.7 million in funding for it in the Operating Budget. Concerns from seniors in Thurston County over an LA Fitness facility appears to be what led the prime sponsor, Sen. Sam Hunt (D-Olympia/22nd Dist.) to introduce **5553**. The bill requires the State Board of Health (SBOH) to adopt rules for safety and sanitation of fitness centers. The rules must include, but not be limited to, design, operation, injury and illness reporting, inspection, permit application and issuance, and enforcement procedures.
- **ESSB 5434, requiring that weapons be banned from local libraries and parks facilities:** Last Monday, by a 26-21 vote, the Senate passed a Floor-amended version of **5434** and sent it to the Senate. Earlier **5434** amendments removed libraries from the bill and gave local parks agencies *discretion* to ban weapons. The Floor Amendment removes parks from the bill and focuses it entirely on banning weapons from child-care facilities. Here’s the **5434** Floor Amendment: <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Amendments/Senate/5434-S%20AMS%20PEDE%20S2926.1.pdf>

- **SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** **2044** passed the House unanimously on March 4 and, last Thursday, the Senate Local Government Committee approved the bill on a 4-1 vote. It is now in Senate Rules. An earlier bill that focused solely on Parks Districts – **HB 1699** – has ‘died.’ WRPA *supports 2044*, which lays out several de-annexation options. The first is where both a City and an MPD/Park District approve resolutions agreeing to do so. If that can’t be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the MPD/Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*). As I previously reported, we had concerns that the City of Sammamish might seek new language for 2044 allowing that city to put a de-annexation from the Fall City MPD on the ballot through a simple councilmanic vote – vs. using the 10 percent petition process everyone else would be subject to. Sammamish did *not* elect to do so.
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the magnitude of its budget and the amount of work its Commissioners do in setting fiscal and subject-matter policy. **5036** already passed the Senate and had a House Local Government Committee hearing last Friday. We expect the bill to move out of committee this coming week. **1092** passed off the House Floor last Monday on a 74-24 vote and is scheduled for a hearing in the Senate Local Government Committee this coming Thursday morning. *WRPA supports these companion bills.*
- **SHB 1028 and SSB 5666, technical-fix bills on which off-road vehicles are subject to local government regulations; HB 1846, technical corrections to disposition of ORV funds:** Of these three bills, **5666** is the one that appears to have hit the skids – since it was not voted upon after reaching the Senate Floor Calendar on March 5. **1028** passed off the House Floor unanimously in mid-February and awaits a hearing in Senate Transportation; **1846** passed unanimously off the House Floor on March 6 and awaits a Senate Transportation hearing.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) is almost surely ‘dead.’ It was mired in the House Appropriations Committee for well over a month without being scheduled for a public hearing.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** These companion bills also appear to be on life-support if not ‘dead’ altogether. The House measure has been in the House Appropriations Committee for well over a month without receiving a hearing. The Senate bill ‘died’ in the Senate Agriculture, Water, Natural Resources, and Parks Committee. **1293** allows courts run by counties under population 100,000 to keep proceeds from fines paid due to Discover Pass violations.
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- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** This bill passed unanimously off the House Floor on March 7 and had a hearing last Friday in the Senate State Government, Tribal Relations & Elections Committee.
- **SB 5692/SHB 1708, increasing fishing and hunting license fees:** The ‘vehicle’ for this fee bill will be the House measure, which is in House Appropriations. Since **1708** raises revenue for the Washington Department of Fish & Wildlife (WDFW), we believe it has a “Necessary to Implement the Budget” (NTIB) designation. My colleagues who represent sport-fishing tell me this one is likely to happen in some form.

- **SSB 5751/SHB 1772, regulating motorized scooters:** While the Senate bill ‘died’ in the Rules Committee, **1772** passed 85-13 out of the House last Tuesday. Cities have concerns with provisions of this bill that appear to pre-empt their authority over parking and insurance requirement.
- **SSB 5099, establishing recreational target shooting areas on certain public lands:** This legislation is almost surely ‘dead,’ since it did not move in the Senate after getting to the Rules Committee on Feb. 22. **5099** would have directed the Department of Natural Resources to designate and manage recreational target shooting areas on department-managed lands in Mason and Skagit counties by the end of 2019.
- **ESSB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing. **5148** passed unanimously off the Senate Floor and is scheduled to move this coming Tuesday out of the House Rural Development, Agriculture, and Natural Resources Committee.
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- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill is likely ‘dead,’ having never received a vote after advancing to the Senate Floor Calendar on March 5. **5611** would have created a new “Sasquatch” license plate, the proceeds of which would go to help with funding of State Parks M&O.
- **SHB 1953, reducing the number of permits required for recreation at a sno-park:** This bill passed unanimously off the House Floor on March 7. It is scheduled for a public hearing Thursday in the Senate Agriculture, Water, Natural Resources & Parks Committee.
- **SSB 5919/EHB 1996, creating a San Juan Islands stewardship special license plate:** These bills passed easily off their respective Floors, with **5919** passing the Senate by a 47-1 vote on March 5 and **1996** on the receiving end of a unanimous House vote last Wednesday. Both measures await Transportation Committee hearings in the “opposite Chamber.”
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** This bill passed unanimously off the Senate Floor on March 7 and is due for a hearing Wednesday in the House Rural Development, Agriculture & Natural Resources Committee. State Parks and recreational boaters want to ensure the projected \$250,000 cost of adding the whale watching guidance to the education program is covered in the Operating Budget.
- **SB 5930/HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** Both these bills are moving. The Senate measure passed 47-1 on March 5 and is in House Transportation; the House bill passed 91-4 on March 13 and is in Senate Transportation.
- **SB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** The House bill had ‘died’ earlier, and the Senate bill was not acted upon after advancing to the Floor Calendar on March 7. We are told this legislation, however, could be determined as “Necessary to Implement the Budget” (NTIB) – so we’ll keep a watch.
- **HB 2122, imposing sales tax on recreational equipment and apparel and dedicating the proceeds to the state wildlife account:** Outdoor retailers such as REI sounded alarm bells when this bill was introduced, but it never received so much as a hearing. It is almost surely ‘dead’ at this juncture of Session.

**WEEK 10 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/24/19

This coming week, a 2019 Legislature dominated thus far by “bills, bills, bills” will transition to one high-centered on “budgets, budgets, budgets.”

On Monday, the House will release its proposed 2019-21 Operating, Capital, and Transportation Budgets -- **PSHB 1109** (Operating), **PHSB 1102** (Capital), and **PSHB 1160** (Transportation). Two days later, the Senate will release its proposed 2019-21 Transportation Budget (**PSSB 5214**), with the Senate’s Operating and Capital proposals emerging at the beginning of Week 12. We also expect to see the House budgets passed out of committees – and, in the case of the 2019-21 Operating Budget, passed off the Floor this coming Friday.

As the budgets roll out, the stage is set for a debate about whether and to what extent new revenues should be proposed to help finance state government requirements and policy priorities. Senate and House Democrats answer this question with an unequivocal ‘yes,’ noting that \$4.2 billion in positive revenues due to the hot economy will be swallowed up entirely by the increased ‘bow-wave’ cost of K-12 education and paying for educational enhancements in the Supreme Court-approved *McCleary* case. Majority Democrats further point to health care, mental health, affordable housing, and honoring collective bargaining contracts.

Senate and House Republicans counter with an equally vocal ‘no.’ They say in addition to the additional revenues coming into the state due to a robust economy, there has been a \$704 million savings from caseload costs coming in well below forecasts. Additionally, online sales tax collections as a result of the *Wayfair* case are coming in above and beyond forecasts as well.

The stakes were raised last Wednesday when the updated revenue forecast showed the state has collected an additional \$307 million for the remainder of this biennium and another \$553 million for the 2019-21 biennium - \$860 million overall in positive revenue news. Here’s a link to the revenue forecast news release:

<https://erfc.wa.gov/sites/default/files/public/documents/forecasts/pres0319.pdf>

For local governments, a lot is at stake as House budgets come off the press: Are state-shared revenues preserved? How did key capital programs such as the Public Works Assistance Account (PWAA) and the Washington Wildlife & Recreation Program (WWRP) fare? We’ll have answers in a little over 24 hours.

For WRPA, Week 10 was a hold-steady one where we worked on Capital Budget funding needs, particularly achieving a \$12 million recommended funding level for the Youth Athletic Facilities (YAF) program. The signals we’re getting are very positive – but real proof will come with Monday’s budget release.

Below is a status update on the City’s 2019 Legislative Agenda priorities, followed by a bulletized rundown of other legislation impacting cities specifically and local governments in general. I’ve separately attached a list of Week 11 hearings with recommendations on testifying, supporting, and/or monitoring bills in play.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill) SSB 5680/SHB 1371 failed to pass fiscal committees and after Session we will begin preparing for a 2020 re-try on this front. My first step will be to schedule a group discussion with House Finance Chair Gael Tarleton (D-Seattle/36th Dist.), who would like to meet with us shortly after the 2019 Session concludes.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) Here are our best guesstimates ahead of Monday’s 2019-21 Capital Budget rollout: On WWRP, an allocation of about \$80 million, and certainly below \$100 million, is the new reality. On YAF, we are getting very positive signals regarding the \$12 million funding level that had been recommended by the Recreational Conservation Office (RCO). I’m less clear on where the House is on ALEA.

As a quick recap on these programs, the Governor’s proposed allocations to the Legislature were \$115 million on WWRP, \$5.035 million on YAF, and \$4.96 million (*dedicated funding re-allocated, amount bond-backfilled*) on the Aquatic Lands Enhancement Account (ALEA). That compares to Recreation and Conservation Office (RCO) recommendations of \$130 million, \$12 million, and \$6.6 million, respectively.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) No news to report on this front. Our main effort in this priority area has been to remind key Capital budget-writers that ALEA should be funded as the dedicated account it is – not via “bond backfill” maneuvers. Budget-writers have been receptive to that message, but we’ll see what happens.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) I was part of a panel testifying in strong support last Wednesday as the Senate Housing Stability & Affordability Committee held a public hearing on **SHB 1406**. We expect the bill to pass out of the Committee this coming Monday. Prime-sponsored by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.), **1406** provides over \$60 million a biennium in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable local governments to bond against the revenues (*local discretion*) for \$300 million+ in additional buying power.

Regarding a handful of other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** This bill, now due for a hearing Wednesday afternoon in the Senate Housing Stability & Affordability Committee, is “OK” for local governments. The legislation passed off the House Floor with a “null and void” clause that renders it ‘void’ if the Legislature’s Operating Budget does not include local planning grants to help pay for the provisions specified in the measure. **1923** also may be further amended to remove ‘affordability’ provisions that are currently in the bill. We’ve been giving credit to the prime sponsor of **1923**, Rep. Joe Fitzgibbon (D-Burien/34th Dist.) for crafting what is a much more well-intended bill than a punitive mandatory density bill that ‘died’ in the Senate (**SB 5769**). As currently constructed, **1923** provides cities and counties a menu of options both for increasing residential density and for enhancing the affordability of housing stock.
- ✓ **ESSB 5812, regarding Accessory Dwelling Units (ADUs):** This Senate-passed bill is scheduled for a hearing Wednesday morning in the House Local Government Committee. **5812** has ‘grandfathering’ provisions in it that ensure it will work for most local governments. It requires cities and counties to adopt ordinances by June 1, 2021 to allow ADUs. It exempts them from requirements and development standards laid out in the bill if they have adopted ADU regulations on or before the effective date of the Act. We believe there may be more twists and turns with this bill before all is said and done – but we will also be pointing to this *Seattle Times* editorial, aimed at both **E2SHB 1923** and **ESSB 5812**, which makes a strong case for local control vs. “legislative meddling”: <https://www.seattletimes.com/opinion/editorials/legislators-dont-meddle-in-city-planning/>
- ✓ **ESSB 5383, regarding “tiny homes”:** The next step for **5383** – prime-sponsored by Sen. Hans Zeiger (R-Puyallup/25th Dist.) -- is a vote out of the House Local Government committee this coming Thursday. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities. The bill also prohibits cities and towns from adopting ordinances that prevent entry.

- ✓ **HB 2110, modifying the definition of affordable workforce housing for permitted countywide lodging tax expenditures:** This King County-promoted bill is scheduled to be voted out of the Senate Housing Stability & Affordability Committee on Monday. **2110** re-defines “affordable work force housing” to make it easier to distribution countywide lodging tax funds to housing projects for a single person or family whose income is at or below 30 percent of the median income.
- ✓ **SSB 5537, expanding community-based mental health facilities through by issuing bonds:** This bill did not move off the Senate Floor before the end-of-day March 13 cutoff. That said, it may well be a negotiating item between Senate Democrats and Senate Republicans in the context of the 2019-21 Capital Budget. If it is, I would imagine Senate Republicans will ask for the underlying **5537** to move vs. the amended version. The original bill called for issuing \$500 million in capital bonds to build community mental health facilities throughout the state. The \$500 million would have been outside the state’s debt limit and thus would have required voter approval on the November ballot. The amended bill directs \$300 million to the Department of Commerce for a competitive grant program to fund community behavioral health facilities. It appropriated the other \$200 million to the University of Washington for a behavioral health teaching hospital in Seattle.
- ✓ **ESB 5334, SHB 1576, reforming condominium liability laws:** Last Friday, **5334** passed out of the House Civil Rights & Judiciary Committee with clarifying amendments. **1576** is due to be voted out of the Senate Law & Justice Committee this coming Thursday. **5334** narrows condominium construction liability exposure for builders. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with “all laws.” As amended, **1576** allows homeowner association condominium defect claims to be terminated if a majority of homeowners votes to reject the HOA action.
- ✓ **EHB 1219, providing cities permanent authority to use a portion of REET 2 revenues for planning, acquisition, repair, replacement, rehabilitation, or improvement of facilities for persons experiencing homelessness and affordable housing projects:** This Kirkland-promoted bill had a hearing last Wednesday in the Senate Housing Stability & Affordability Committee. It is due to move out of the Committee this coming Monday.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(Potential Policy Bill) No 2019 bill on this front.

“Big Tent” Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. I’ve previously reported that Big Tent had a March 14 legislative reception and is involved on early discussions of a possible one-stop outdoor recreation portal. Stay tuned.

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) No 2019 bill on this front, either. The Office of Financial Management (OFM), through a study provision passed by the Legislature, had analyzed the costs and benefits of a simplified, one-stop way of delivering Discover Pass and outdoor recreation pass programs.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(Capital, Transportation, Operating Budgets) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Still pending in the State Senate – and likely an ‘end-game’ decision -- is a 10-year, \$16 billion revenue package via **Substitute Senate Bill 5970**, **Substitute Senate Bill 5971**, and **Senate Bill 5972**. The package would invest \$315 million in these “Healthy and Active Communities” programs: Bicycle and Pedestrian Grants - \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million.

Also, regarding **2SHB 1497**, a “foundational public health” bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.): The bill passed out of the Senate Health & Long-Term Care Committee last Wednesday on a 7-2 vote. It is now in the Senate Rules Committee. The original bill had stronger language and direction on funding of ‘foundational public health.’ **1497** as amended focuses more on defining foundational public health services and requiring the Department of Health to work out an agreement on funding distribution with Tribes, the State Board of Health and the Washington State Association of Public Health Officers.

Other Bills

(If you have items you want added, or have questions on particular bills impacting local parks and recreation, e-mail me: Doug@outcomesbylevy.onmicrosoft.com)

- **SSB 5553, concerning safety and sanitation of fitness centers:** As we reported, **5553** is almost surely ‘dead’ for the 2019 Session. We’ll keep it on our list in the event Senate budget writers allocate some \$1.7 million in funding for it in the Operating Budget. Concerns from seniors in Thurston County over an LA Fitness facility appears to be what led the prime sponsor, Sen. Sam Hunt (D-Olympia/22nd Dist.) to introduce **5553**. The bill requires the State Board of Health (SBOH) to adopt rules for safety and sanitation of fitness centers. The rules must include, but not be limited to, design, operation, injury and illness reporting, inspection, permit application and issuance, and enforcement procedures.
- **ESB 5434, requiring that weapons be banned from local libraries and parks facilities:** This Senate-passed bill awaits a hearing in the House Civil Rights & Judiciary Committee. As reported in Week 9, the Floor-passed bill was amended to remove parks from the bill. Libraries had previously been amended out as well. **5434** now focuses solely on banning weapons from being brought into child-care facilities.
- **SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** **2044** has passed the House and passed a Senate policy committee. It remains in Senate Rules. *WRPA supports 2044*, which lays out several de-annexation options. The first is where both a City and an MPD/Park District approve resolutions agreeing to do so. If that can’t be achieved, there is a 10 percent petition to bring the matter to public vote. A public vote can be pursued as well if the MPD/Park District has not performed its core functions for at least five years (*applies to all counties with a population of 200,000 or more*).
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the magnitude of its budget and the amount of work its Commissioners do in setting fiscal and subject-matter policy. **5036** passed the Senate and cleared the House Local Government Committee last Wednesday on a 4-2 vote. The bill is now in the House Rules Committee. House-passed **1092** had a public hearing last Thursday and remains pending before the Senate Local Government Committee. WRPA supports these companion bills.
- **SHB 1028, technical-fix bills on which off-road vehicles are subject to local government regulations; EHB 1846, technical corrections to disposition of ORV funds:** Both these bills passed easily out of the House and await Senate Transportation Committee hearings.
- **HB 1230, broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** This bill prime-sponsored by Rep. Andrew Barkis (R-Olympia/2nd Dist.) is almost surely ‘dead.’ We will keep it in our list in the event it makes it into the House Operating Budget.
- **HB 1293/SB 5420, concerning distribution of monetary penalties to local courts and state agencies paid for Discover Pass violations:** These companion bills also appear be ‘dead.’ We will see if **1293** is somehow called out in the House Operating Budget.

- **SHB 1277, changing the definition of three-wheeled and E-Bikes:** This bill has ‘died.’
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** has passed the House and awaits a Senate Transportation Committee hearing.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** This Senate-passed bill passed unanimously out of the House Local Government hearing last Wednesday. It is now in the House Rules Committee.
- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** This House-approved bill passed unanimously last Wednesday out of the Senate State Government, Tribal Relations & Elections Committee. It is in the Senate Rules Committee.
- **SB 5692/SHB 1708, increasing fishing and hunting license fees:** The ‘vehicle’ for this fee bill will be the House measure, which is in House Appropriations. Since **1708** raises revenue for the Washington Department of Fish & Wildlife (WDFW), we believe it has a “Necessary to Implement the Budget” (NTIB) designation. The House Operating Budget released Monday will tell us a lot.
- **ESHB 1772, regulating motorized scooters:** This House-passed bill has been largely negotiated. It had a hearing last Wednesday and remains pending in the Senate Transportation Committee.
- **SSB 5099, establishing recreational target shooting areas on certain public lands:** This legislation has ‘died.’ **5099** would have directed the Department of Natural Resources to designate and manage recreational target shooting areas on department-managed lands in Mason and Skagit counties by the end of 2019.
- **ESSB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing. Senate-approved **5148** passed unanimously last Tuesday out of the House Rural Development, Agriculture, and Natural Resources Committee.
- **ESHB 1510, governing the use of narrow track vehicles:** This House-passed bill is scheduled for a hearing Monday in the Senate Transportation Committee.
- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill has ‘died.’ **5611** would have created a new “Sasquatch” license plate, with proceeds going toward funding of State Parks M&O.
- **SHB 1953, reducing the number of permits required for recreation at a Sno-park:** This House-approved bill had a hearing last Thursday and remains before the Senate Agriculture, Water, Natural Resources & Parks Committee.
- **SSB 5919/EHB 1996, creating a San Juan Islands stewardship special license plate:** These bills passed easily off the Senate and House Floor, respectively. **5919** awaits a House Transportation Committee hearing; **1996** is scheduled for a hearing this coming Tuesday in Senate Transportation.
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** This Senate-approved bill had a hearing last Wednesday in the House Rural Development, Agriculture & Natural Resources Committee. It is scheduled to move out of the Committee this coming Wednesday. We’ve been told that the Senate’s Operating Budget will fund the \$250,000 cost of adding the whale watching guidance to the education program.
- **SB 5930/HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** While the Senate-approved measure awaits a House Transportation hearing, House-passed **2062** has been scheduled for a Senate Transportation Committee hearing this coming Tuesday.
- **SSB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** While these bills did not pass off their respective Floors by the cutoff deadline, we are told this legislation could be “Necessary to Implement the Budget” (NTIB). We’ll see if anything is in the House Operating Budget coming out Monday.
- **HB 2122, imposing sales tax on recreational equipment and apparel and dedicating the proceeds to the state wildlife account:** Outdoor retailers such as REI sounded alarm bells over this bill, which never received a hearing and is almost surely ‘dead.’ That said, we’ll see if there is anything in the House Operating Budget released Monday.

**WEEK 11 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/31/19

In a week that saw Governor (*and Presidential candidate*) Jay Inslee post 12 years' worth of tax returns and challenge President Trump to do the same, Senate and House Democrats released theirs.

A graduated real estate excise tax, some type of B&O tax increase, and the removal of several existing tax incentives are woven into the 2019-21 Operating Budgets moved forward by both Chambers last week. The House further relies on a capital gains tax to fund its \$52.8 billion budget. The Senate Operating Budget doesn't rely on a capital gains tax to fund the expenditures within its budget, but Senate Democrats proposed one to cover the cost of property tax cuts and Working Families tax credits. An article on that is here:

<https://www.seattletimes.com/seattle-news/politics/washington-senate-lawmakers-propose-a-budget-with-a-different-idea-for-a-capital-gains-tax/>

While 2019-21 Operating Budgets and the proposed new revenues within them snared most of the headlines, both Chambers introduced biennial Capital and Transportation budgets as well. The House Capital Budget (**SHB 1102**) came out on Monday and cleared the House Capital Budget Committee with a series of technical amendments on Friday. The Senate Capital Budget (**PSSB 5134**) emerged last Wednesday and is poised to clear the Ways & Means Committee with amendments on Monday. The House Transportation Budget (**SHB 1160**) rolled out last Monday and passed 90-5 off the House Floor on Friday with minimal amendments. The Senate Transportation Budget (**SSB 5214**) surfaced Wednesday and passed unanimously out of Committee the following day, with three amendments – including one by Ranking Member Curtis King (R-Yakima/14th Dist.) that directs the Joint Transportation Committee to undertake a comprehensive analysis of transportation needs and available transportation revenues.

Lastly, I will note that the House's version of the Operating Budget (**ESHB 1109**) was out on Monday and passed on a party-line 56-38 vote off the Floor Friday, including the approval of 18 amendments – one of them problematic for us in local government (See below). The Senate released its Operating Budget (**PSSB 5153**) online Friday afternoon and has scheduled a hearing on it this coming Monday (*no fooling* ☺).

Along with this report, I am providing you a Word Document comparing what is in the Senate and House Capital Budgets, across multiple programs. While I am not providing a full rundown of the Operating Budgets, two main items I can share: 1) the No Child Left Inside has an increased level of funding in both bills - \$2 million in the Senate's and \$1.5 million in the House; 2) State Parks is doing a fuller write-up of a litany of concerns it has with the Operating Budget, in particular with new programs being funded through unsustainable revenue sources. Parks also tells me that snowmobile account funding was inappropriately diverted in the Senate's Operating Budget. Look for more details in the days to come.

Week 11 will go down as one that had more positives than negatives for WRPA – and yet much remains to be decided. The Senate's Capital Budget is one we greatly prefer when it comes to funding level for the Washington Wildlife & Recreation Program (WWRP) and the Aquatic Lands Enhancement Account (ALEA). On the other hand, we are extremely appreciative of the House Capital Budget's funding level (\$12 million) for the Youth Athletic Facilities (YAF) account.

With that as a front-page teaser, here is the usual status update on our WRPA priorities and support items, as well as a bulletized rundown of other legislation impacting us in parks and recreation. I've separately attached a list of Week 12 hearings with recommendations (*all for this week are 'monitor'*).

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill) SSB 5680/SHB 1371 failed to pass fiscal committees and after Session we will begin preparing for a 2020 re-try on this one.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) As I alluded to at the outset, our best path forward on the Capital Budget is to push for a mix of what is in the Senate (**PSSB 5134**) and House (**SHB 1102**) Capital Budgets for 2019-21. On WWRP, the Senate provides a \$90 million allocation while the House is at \$80 million. On YAF, the House is at the \$12 million level first recommended by the Recreation and Conservation Office, while the Senate is at the same \$5.035 million level put forth by the Governor. On ALEA, the Senate is at the \$6.6 million funding level recommended by RCO – considerably above the \$4.3 million mark in the House and the \$4.96 million proposal from the Governor.

Going forward, we in WRPA want to team up with the Washington Wildlife & Recreation Coalition (WWRC) on a joint letter to maximize the advocacy voices of both our organizations. Our message will be to either meet or exceed the \$90 million on WWRP, to keep a \$12 million level for YAF, and to retain a \$6.6 million level for ALEA. Expect to see a draft letter from us early in the week!

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) Our main effort in this priority area has been to remind key Capital budget-writers that ALEA should be funded as the dedicated account it is – not via “bond backfill” maneuvers. As it turns out, both the Senate and House Capital Budgets rely on bonded accounts to fund ALEA. We would prefer lawmakers not go down this route, but at this point, our bigger issue is to work toward the \$6.6 million.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) This coming Wednesday, I will be part of a group testifying in strong support of **SHB 1406** in the Senate Ways & Means Committee. We expect the bill to pass out of the Committee this coming Monday. **1406** passed unanimously out of the Senate Housing Stability & Affordability Committee last Monday, with an amendment by Committee Chair Patty Kuderer (D-Bellevue/48th Dist.) that specifically allows a voter-approved local housing levy to be a local funding source. Prime-sponsored by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.), **1406** provides over \$60 million a biennium in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable those local governments to bond against those revenues for \$300 million+ in additional investment.

As for a handful of other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** This well-worked bill, now due to move out of the Senate Housing Stability & Affordability Committee on Monday, is turning out OK for cities and counties. It includes a “null and void” clause that renders it ‘void’ if the Legislature does not fund \$100,000 planning grants for cities and counties that are covered by it. The latest “Striking Amendment” for **1923** is back to providing a series of options that local governments must pick from to help increase residential density and affordability of housing stock. As I’ve reported, it is greatly preferred to an earlier mandatory density bill that ‘died’ in the Senate (**SB 5769**).
- ✓ **ESSB 5812, regarding Accessory Dwelling Units (ADUs):** This Senate-passed bill is scheduled for a Tuesday Executive Session in House Local Government. **5812** passed the Senate with broad ‘grandfathering’ provisions that were then narrowed under a Striking Amendment offered last week by Committee Vice-Chair Strom Peterson (D-Edmonds/21st Dist.). Given the blowback he heard at

the public hearing on **5812** and the fact that fellow Committee Democrats are uncomfortable with mandatory provisions in the striker, we believe (hope?) Rep. Peterson is now moving the bill *back* to broad-based grandfathering.

- ✓ **ESSB 5383, regarding “tiny homes”:** The next step for **5383** is a vote out of the House Local Government committee on Tuesday. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities. The bill also prohibits cities and towns from adopting ordinances that prevent entry.
- ✓ **HB 2110, modifying the definition of affordable workforce housing for permitted countywide lodging tax expenditures:** This bill passed out of the Senate Housing Stability & Affordability Committee last Monday on a 4-2 vote. It is now in the Senate Rules Committee. **2110** re-defines “affordable work force housing” to make it easier to distribute countywide lodging tax funds to projects for a single person or family with incomes at or below 30 percent of median income.
- ✓ **SSB 5537, expanding community-based mental health facilities through by issuing bonds:** This bill gained new life with the release of the Senate’s Capital Budget last Wednesday. It is referenced in three places within the budget bill (**PSSB 5134**). However, the Capital Budget bill does not yet specify whether the underlying **5537** would be the ‘vehicle’ that moves or whether it will be the amended version. The original bill called for issuing \$500 million in capital bonds to build community mental health facilities throughout the state. The \$500 million would have been outside the state’s debt limit and thus would have required voter approval on the November ballot. The amended bill directs \$300 million to the Department of Commerce for a competitive grant program to fund community behavioral health facilities. It appropriated the other \$200 million to the University of Washington for a behavioral health teaching hospital in Seattle.
- ✓ **ESB 5334, SHB 1576, reforming condominium liability laws:** Last Friday, **5334** advanced to the House Floor Calendar. **1576** remains pending in the Senate Law & Justice Committee. **5334** narrows condominium construction liability exposure for builders. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with “all laws.” As amended, **1576** allows homeowner association condominium defect claims to be terminated if a majority of homeowners votes to reject the HOA action.
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(Potential Policy Bill) No 2019 bill on this front.

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Also, regarding **2SHB 1497**, a “foundational public health” bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.): With a 44-1 Senate vote last Wednesday, this bill has passed the Legislature and awaits the Governor’s signature. Overall, on **public health**, both the House and Senate Operating Budgets include \$73 million for public health funding distributions – with the House including an additional \$22 million for foundational public health vs. \$11 million in the Senate. Here is the “As Passed Legislature” version of **1497**: <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/House%20Passed%20Legislature/1497-S2.PL.pdf>

Other Bills

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- **SSB 5099, establishing recreational target shooting areas on certain public lands:** This legislation has ‘died.’
- **ESSB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” advanced to the House Floor Calendar last Friday. It requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing.
- **ESHB 1510, governing the use of narrow track vehicles:** Last Tuesday, by a 10-2 vote, this House-passed bill cleared the Senate Transportation Committee. It is now in the Senate Rules Committee.
- **SB 5611, creating a special license plate to support maintenance and improvements for Washington State Parks:** This bill to create a new “Squatch” license plate has ‘died.’
- **SHB 1953, reducing the number of permits required for recreation at a Sno-park:** This House-approved bill is due to be voted upon Tuesday in the Senate Agriculture, Water, Natural Resources & Parks Committee.
- **SSB 5919/EHB 1996, creating a San Juan Islands stewardship special license plate:** These bills passed easily off the Senate and House Floor, respectively. **5919** is due for a Wednesday vote in the House Transportation Committee; **1996** had a hearing last Tuesday in Senate Transportation.
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** This Senate-approved bill is referenced and funded (\$250,000) in the Senate’s 2019-21 Operating Budget. It is due to be voted upon Tuesday by the House Rural Development, Agriculture & Natural Resources Committee.
- **HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** House-passed **2062** had a Senate Transportation Committee hearing last Tuesday.
- **SSB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** While these bills did not pass off their respective Floors by the cutoff deadline, we are seeing \$3.9 million for PILT in each Operating Budget. [The WWRC is following up on this one.](#)
- **HB 2122, imposing sales tax on recreational equipment and apparel and dedicating the proceeds to the state wildlife account:** Outdoor retailers such as REI sounded alarm bells over this bill, which is not referenced anywhere in the House Operating Budget but *is* receiving a hearing this coming Friday morning in the House Finance Committee. This appears to be a case of a bill receiving a ‘courtesy hearing.’

**WEEK 12 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 4/7/19

The Legislature is now within three weeks of reaching the finish line for the 2019 Regular Session and much of the remaining drama has turned to the coming negotiations over the budgets, the mix of revenues, and – dare I say it – whether there *may* need to be a brief Special Session.

I'm flagging the whiff of a Special Session possibility – and such a scenario could still be avoided easily enough -- because the two chambers are about \$2 billion apart in their Operating Budget spending. The House Operating Budget relies on a new capital gains tax and a more far-reaching B&O tax increase to cover its investments, while the Senate's Operating Budget raises less overall revenue, features a much more targeted B&O tax approach, and offers a capital gains tax as a way to address property tax reductions and "working families" tax credits (*not as a way to pay for Operating expenditures*).

While the House and Senate chasm on the Operating Budget and the respective revenue packages could present a negotiating challenge, it is believed that the bodies will be able to more readily agree on final two-year Capital and Transportation budgets. The House has now passed all three of its two-year budgets off the Floor and the Senate has approved both the Operating and Transportation budgets, with Senate Floor action on the two-year Capital Budget expected within the next couple of days.

As FYI, the 'vehicles' for the final 2019-21 budgets will be **ESHB 1109** (Operating – passed 56-38 by House and 31-17 by Senate), **SHB 1102** (passed unanimously off House Floor, awaits Senate Floor vote), and **ESHB 1160** (Transportation – approved 90-5 by House and 47-0 by Senate).

As I shared, the 2019-21 budgets are positive for local governments – albeit with a few Operating Budget areas of angst. Whether lawmakers agree to a cost-of-living adjustment for PERS 1 retirees, divert LEOFF 2 funds into a Public Safety Benefit Enhancement Account, or transfer Public Works Assistance Account capital dollars into the Operating Budget, are key undecided questions as we come down the homestretch.

For WRPA, Week 12 will go down as a treading-water week of sorts. We have a Senate Capital Budget that we prefer when it comes to the Washington Wildlife & Recreation Program (WWRP) and the Aquatic Lands Enhancement Account (ALEA). We have a House Capital Budget with a greatly-preferred funding level (\$12 million) for the Youth Athletic Facilities (YAF) account.

So, as usual, here is my status update on WRPA priorities and support items, followed by a bulletized rundown of other legislation impacting local parks and recreation. I've separately attached a short-and-sweet list of Week 13 hearings, since we are about to bump up against the end-of-day April 9 cutoff deadline.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (*Policy Bill*) **SSB 5680/SHB 1371** failed to pass fiscal committees and after Session we will schedule time with House Finance Chair Gael Tarleton (D-Seattle/36th Dist.) among others as we prep for another run at this one in 2020.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(*Capital Budget*) Last week we teamed up with the Washington Wildlife & Recreation Coalition and the National Land Trust on letters to Capital Budget leadership regarding our desired paths word for key parks and recreation and outdoor programs in the 2019-21 Capital Budget.

As noted, we would like to see a mix of what is in the Senate (**SSB 5134**) and House (**ESHB 1102**) Capital Budgets. The WWRC already has issued an Action Alert on this effort and I will be adding one that will go out to all of you for first thing Monday morning. On WWRP, the Senate provides a \$90 million allocation while the House is at \$80 million. On YAF, the House is at the \$12 million level first recommended by the Recreation and Conservation Office, while the Senate is at the same \$5.035 million level put forth by the Governor. On ALEA, the Senate is at the \$6.6 million funding level recommended by RCO – considerably above the \$4.3 million mark in the House and the \$4.96 million proposal from the Governor.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(*Capital Budget*) On this issue, we are having to choose pragmatism over idealism. We tried to remind key Capital budget-writers that ALEA should be funded as the dedicated account it is – not via “bond backfill” maneuvers. Yet that is what we saw in part from the Governor, and wholesale in both the Senate and House Capital Budgets. This is a problem we will need to re-tackle during the interim. But for now, we are focusing our efforts on retaining the \$6.6 million.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(*Policy Bills*) Last Wednesday, I was part of a panel testifying in strong support of **SHB 1406** in the Senate Ways & Means Committee. Prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.), **1406** provides over \$60 million a biennium in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable those local governments to bond against those revenues for a potential \$300+ million more in investment. **1406** has a formula allowing both cities and counties to secure portions of the state sales tax credits.

As for a handful of other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** This bill had a hearing last Friday in Senate Ways & Means and remains a work in progress as AWC and individual cities look for ways to make it as flexible as possible and to ensure funding for it. It includes a “null and void” clause that renders it ‘void’ if the Legislature does not fund \$100,000 planning grants for cities and counties. The latest “Striking Amendment” for **1923** does not make it *mandatory* that cities of 20,000 and over must pick at least two actions from a menu of items designed to help increase residential density and affordability of housing stock. I will be e-mailing to folks a proposed amendment put forth by AWC.
- ✓ **ESSB 5812, planning and zoning for Accessory Dwelling Units (ADUs):** The House Local Government Committee approved a revised “Striking Amendment” to this bill last Tuesday that *should* make it workable for most cities. The bill “grandfathers” cities from having to meet any of the prescriptive conditions and development standards in **5812** if they have either: a) adopted an ADU ordinance since 2012 that has resulted in an increase of permitted activity; or b) implemented updates or revisions to their ordinances since then. We appreciate Committee Vice-Chair Strom Peterson (D-Edmonds/21st Dist.) and Committee Chair Gerry Pollet (D-Seattle/46th Dist.) working hard on this latest version to give flexibility back to cities.
- ✓ **ESB 5008, concerning short subdivisions:** This legislation passed out of House Local Government last Tuesday with a Striking Amendment by Chair Pollet that softens the already-minor impact of the bill on cities and counties. Prior versions of **5008** reaffirmed that jurisdictions planning under the Growth Management Act may create short subdivisions of up to nine (9) lots – and further authorized them to allow short subdivisions of up to 30 lots. The Pollet Amendment reaffirms that a short subdivision is four (4) lots and gives local jurisdictions flexibility to allow nine (9) or as many as 14. The Chair’s Amendment is here: <https://app.leg.wa.gov/committeeschedules/Home/Document/204028#toolbar=0&navpanes=0>

Affordable Housing bills – a listing: Here’s an update on some of the remaining affordable housing, homelessness, and mental/behavioral health bills in play:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** This bill had a hearing last Friday in Senate Ways & Means and remains a work in progress as local governments – and cities in particular – look to continue modifying it. It includes a “null and void” clause that renders it ‘void’ if the Legislature does not fund \$100,000 planning grants for cities and counties. The latest “Striking Amendment” for **1923** now makes it *mandatory* that cities of 20,000 and over must pick at least two actions from a menu of items designed to help increase residential density and affordability of housing stock. The Association of Washington Cities (AWC) is working with Sen. Guy Palumbo (D-Maltby/1st Dist.) on further amendments to improve the bill.
- ✓ **ESSB 5812, planning and zoning for Accessory Dwelling Units (ADUs):** The House Local Government Committee approved a revised “Striking Amendment” to this bill last Tuesday that *should* make it workable for most local governments. The bill “grandfathers” cities from having to meet any of the prescriptive conditions and development standards in **5812** if they have either: a) adopted an ADU ordinance since 2012 that has resulted in an increase of permitted activity; or b) implemented updates or revisions to their ordinances since then.
- ✓ **ESB 5334, SHB 1576, reforming condominium liability laws:** With a unanimous 93-0 vote last Thursday, **ESB 5334** passed off the House Floor and now needs only one last concurrence from the Senate to move to the Governor’s desk. **5334** narrows condominium construction liability exposure for builders. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with “all laws.” **1576** never made it out of the Senate Law & Justice Committee and it is thus ‘dead’ for the Session. It would have allowed homeowner association condominium defect claims to be turned back if a majority of homeowners voted to reject the HOA action.
- ✓ **ESSB 5383, regarding “tiny homes”:** With several clarifying amendments, this bill passed unanimously out of the House Local Government Committee last Tuesday. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities.
- ✓ **HB 2110, modifying the definition of affordable workforce housing for permitted countywide lodging tax expenditures:** This bill remains in the Senate Rules Committee. **2110** re-defines “affordable work force housing” to make it easier to distribute countywide lodging tax funds to projects for a single person or family with incomes at or below 30 percent of median income.
- ✓ **E2SSB 5444, providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders:** This comprehensive bill by Sen. Manka Dhingra (D-Redmond/45th Dist.) had a hearing Saturday in House Appropriations. There are several components to **5444**, including establishing the role of “forensic navigators” that courts can appoint to assist defendants referred for behavioral health competency evaluation access services. The bill also expands the offenses eligible for law enforcement diversion of offenders into competency evaluation and restoration services.
- ✓ **EHB 1219, providing cities permanent authority to use a portion of REET 2 revenues for planning, acquisition, repair, replacement, rehabilitation, or improvement of facilities for persons experiencing homelessness and affordable housing projects:** This Kirkland-promoted bill advanced to the Senate Floor Calendar last Tuesday and appears to be on its way to enactment.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(*Potential Policy Bill*) No 2019 bill on this topic.

“Big Tent” Outdoor Recreation Coalition

(*Budgetary, Policy Items*) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. Nothing new to report on the Big Tent front for Week 12.

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(*Policy Bill/Bills*) No 2019 bill on this front, either.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Still pending in the Senate – and an ‘end-game’ decision if it is to move at all -- is a 10-year, \$16 billion revenue package via **Substitute Senate Bill 5970**, **Substitute Senate Bill 5971**, and **Senate Bill 5972**. It would invest \$315 million in these “Healthy and Active Communities” programs: Bicycle and Pedestrian Grants - \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million.

Also, regarding **2SHB 1497**, a “foundational public health” bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.): This bill was delivered to the Governor last Monday and awaits his signature. Overall, on **public health**, both the House and Senate Operating Budgets include \$73 million for public health funding distributions – with the House including an additional \$22 million for foundational public health vs. \$11 million in the Senate.

Other Bills

(NOTE: I have removed bills which have ‘died.’ If you have items you want added, or have questions on particular bills impacting local parks and recreation, e-mail me: Doug@outcomesbylevy.onmicrosoft.com)

- **ESB 5434, requiring that weapons be banned from local libraries and parks facilities:** This Senate-passed bill appears to have ‘died’ in the House Civil Rights & Judiciary Committee. Amended versions of the bill had already removed parks and libraries.
- **SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District: 2044** remains in the Senate Rules Committee. WRPA *supports 2044*, which lays out several de-annexation options. The first is where a City and an MPD/Park District approve resolutions agreeing to do so. If that can’t be achieved, a 10 percent petition can be used to bring the matter to a vote. A public vote can be pursued as well if the MPD/Park District has not performed core functions for at least five years (*applies to all counties with a population of 200,000 or more*).
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This WRPA-supported bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the magnitude of its budget and the amount of work its Commissioners do in setting fiscal and subject-matter policy. Both bills remain in the respective Rules Committees.
- **SHB 1028, technical-fix bills on which off-road vehicles are subject to local government regulations; EHB 1846, technical corrections to disposition of ORV funds:** Both these bills passed last Thursday out of the Senate Transportation Committee. Both have since advanced to the Senate Rules Committee.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** passed unanimously out of the Senate Transportation Committee last Thursday and is now in the Senate Rules Committee.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** This Senate-passed bill advanced to the House Floor Calendar last Wednesday.
- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** This House-approved bill is still pending in the Senate Rules Committee.

- **SHB 1708, increasing fishing and hunting license fees:** The ‘vehicle’ for this fee bill will be the House measure, which is referenced and funded in the House’s version of the 2019-21 Operating Budget. An increase in fishing/hunting license fees is not embodied in the Senate’s Operating Budget. As we’ve noted, this one will be part of end-game decisions on how to best fund WDFW.
- **ESHB 1772, regulating motorized scooters:** This House-passed bill passed the Senate Transportation Committee overwhelmingly last Tuesday and is now in the Senate Rules Committee.
- **ESSB 5148, concerning visible clothing requirements for hunters:** This “let them wear pink bill” remains on the House Floor Calendar. It requires the Fish and Wildlife Commission to adopt rules determining the times and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing.
- **ESHB 1510, governing the use of narrow track vehicles:** This House-passed bill remains in the Senate Rules Committee.
- **SHB 1953, reducing the number of permits required for recreation at a Sno-park:** This House-approved bill pass unanimously last Tuesday out of the Senate Agriculture, Water, Natural Resources & Parks Committee. It is now in the Senate Rules Committee.
- **EHB 1996/SSB 5919, creating a San Juan Islands stewardship special license plate:** These bills easily cleared the Senate and House Transportation Committees last Tuesday and Wednesday, respectively. **1996** is in Senate Rules.
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** This Senate-approved bill is referenced and funded (\$250,000) in the Senate’s 2019-21 Operating Budget. It is moving along and had a hearing last Saturday in the House Appropriations Committee.
- **HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** House-passed **2062** cleared the Senate Transportation Committee unanimously last Tuesday and is now in the Senate Rules Committee.
- **SSB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** While these bills did not pass off their respective Floors by the cutoff deadline, we are seeing \$3.9 million for PILT in each Operating Budget. The WWRC has indicated that the House budget approach is preferred and that funding can proceed without the bills, though the Coalition would prefer that one of the bills pass.
- **HB 2122, imposing sales tax on recreational equipment and apparel and dedicating the proceeds to the state wildlife account:** Outdoor retailers such as REI and several others expressed opposition last Friday as this bill received a courtesy hearing in the House Finance Committee.

**WEEK 13 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 4/14/19

Fraying tempers. Hotly-debated bills. Budget negotiations. And a guessing game about potential ‘end-game’ items. All those things are being mixed in the political blender as we enter the last two weeks of the 2019 Session of the Legislature.

The fraying tempers are inevitable as lawmakers spend long hours on the Floor and in Caucus, and contentious bills come up for votes. In Week 13, we saw party-line votes on two measures that pitted majority Democrats and minority Republicans against one another: 1) A bill to require the use of all-renewable energy resources by 2045 (**E2SSB 5116**, the “Clean Energy” bill – passed 56-42 off the House Floor); and 2) a bill on collective bargaining rights (**SHB 1575**, passed 25-21 off the Senate Floor).

It’s also sinking in for legislators that a significant body of work remains to be done if they are to pass final versions of 2019-21 Operating, Capital, and Transportation budgets. Clearly, difficult negotiating sessions remain ahead for a few dozen lawmakers who are at the table for these meetings.

Lastly, as leadership in the Senate and House Democratic Caucuses starts determining what they need to do to pass budgets, we begin to hear – unofficially, of course – about “end game” bills that may need to wait until the final few days of the 2019 Session for a clear path forward. The likeliest candidates for ‘end-game’ branding are bills dealing with tolling or tax-policy.

As all this activity swirls, much of the work for local governments in these last two weeks focuses on getting a few good bills passed off the Floor (*the last cutoff deadline is this Wednesday*), heading off potentially damaging bills, and pressing our case for key budget items.

For WRPA, Week 13 will go down as a fairly quiet one. We continued to work on our Capital Budget priorities and issued an “Action Alert” to get our folks engaged in helping us hold the highest funding levels possible for the Washington Wildlife & Recreation Program (WWRP), the Youth Athletic Facilities (YAF) program, and the Aquatic Lands Enhancement Account (ALEA).

As per usual, here is my status update on WRPA priorities and support items, followed by a bulletized rundown of other legislation impacting local parks and recreation. Legislative Committee hearings are basically done for this Session.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill) SSB 5680/SHB 1371 failed to pass fiscal committees and we will start meeting with a few key lawmakers after Session is over. Unless I hear differently, I will assume WRPA wants to pursue local funding options legislation again in 2020.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) After teaming up with the Washington Wildlife & Recreation Coalition and the Washington Association of Land Trusts on letters to Capital Budget leadership regarding WWRP/YAF/ALEA, we also teamed up with WWRC on an Action Alert to our members. This coming week, I will be doing outreach to individual jurisdictions and agencies that are at risk if Capital Budget funding levels are not maximized. So what would be “maximized”? On WWRP, the \$90 million provided by the Senate; on YAF, the \$12 million in the House; and on ALEA, the \$6.6 million in the Senate’s Capital Budget.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(*Capital Budget*) As I reported last week, we unfortunately saw the Governor, House, and Senate turn to bond-funding for ALEA vs. using the monies in the dedicated account. Ideally, we would not have that happen; pragmatically, we need to work on the best option in front of us, which is to hold the \$6.6 million in the Senate budget. I *do* want to ensure we renew our efforts on this front in the interim and heading into 2020.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(*Policy Bills*) I am working with a broad-based coalition of interests working in strong support of the policy and funding for **SHB 1406** by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.). **1406** provides nearly \$70 million in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable those local governments to bond against those revenues for a potential \$300+ million more in investment. Our concern at this juncture is twofold: 1) That the Senate might seek to reduce the amount of state sales tax credit funding in **1406**; and 2) That the Senate may seek to limit the use of the state sales tax credit dollars to “supportive housing” only – something that the coalition (*and particularly city members of the coalition*) do not support.

Beyond **1406**, here is an update on several other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** This bill went through several evolutions last week. As passed off the Senate Floor on a 33-12 vote last Saturday, the bill provides an *optional* series of actions cities can take to increase residential density and housing affordability – including development of a Housing Action Plan. The bill also imposes a \$2.50 cent surcharge on document recording fees to incentivize that work with grant funding.
- ✓ **ESSB 5812, planning and zoning for Accessory Dwelling Units (ADUs):** This bill remained in the House Rules Committee throughout Week 13 and we are getting word that it may be ‘dead’ – especially since one of the ‘density’ and ‘affordability’ options in **E2SHB 1923** involves ADUs. The **5812** legislation as currently written is OK with cities. It “grandfathers” cities from having to meet any of the prescriptive conditions and development standards in **5812** if they have either: a) adopted an ADU ordinance since 2012 that has resulted in an increase of permitted activity; or b) implemented updates or revisions to their ordinances since then.
- ✓ **SHB 1377, concerning affordable housing development on religious organization property:** The Senate passed this legislation 42-3 last Friday and it now needs a final concurrence from the House. **1377** requires cities to provide a density bonus – the same density bonus they would offer for other development – for affordable housing built on property owned by religious organizations. Senate amendments require the affordable housing development to be set aside for, and occupied exclusively by, low-income households for at least 50 years.
- ✓ **ESSB 5383, regarding “tiny homes”:** This bill passed the House on a 95-0 vote last Wednesday and needs a final Senate concurrence before it heads to the Governor. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities.
- ✓ **HB 2110, modifying the definition of affordable workforce housing for permitted countywide lodging tax expenditures:** This bill could be in a bit of trouble, as it has been in the Senate Rules Committee since late March. **2110** re-defines “affordable work force housing” to make it easier to distribute countywide lodging tax funds to projects for a single person or family with incomes at or below 30 percent of median income. King County has played a lead role on advocacy for **2110**.
- ✓ **ESB 5334, reforming condominium liability laws:** This bill has passed both the Senate and House and needs a final concurrence to move to the Governor’s desk. **5334** narrows condominium construction liability exposure for builders. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with “all laws.”

- ✓ **E2SSB 5444, providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders:** This comprehensive *Trueblood* bill by Sen. Manka Dhingra (D-Redmond/45th Dist.) passed unanimously out of the House Appropriations Committee last Monday and advanced to the House Floor Calendar four days later. There are several components to **5444**, including establishing “forensic navigators” that courts can appoint to assist defendants referred for behavioral health competency evaluation access services. The bill also expands the offenses eligible for law enforcement diversion of offenders into competency evaluation and restoration services.
- ✓ **EHB 1219, providing cities permanent authority to use a portion of REET 2 revenues for planning, acquisition, repair, replacement, rehabilitation, or improvement of facilities for homelessness and affordable housing projects:** With a 34-10 Senate vote on Wednesday, this Kirkland-promoted bill has passed the Legislature and is on its way to the Governor’s desk.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(*Potential Policy Bill*) No 2019 bill on this topic.

“Big Tent” Outdoor Recreation Coalition

(*Budgetary, Policy Items*) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. I don’t have any Week 13 news on the Big Tent front.

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(*Policy Bill/Bills*) No 2019 bill on this front, either.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Still pending in the Senate – and one of the ‘end-game’ possibilities I noted at the outset of my report -- is a 10-year, \$16 billion revenue package via **Substitute Senate Bill 5970**, **Substitute Senate Bill 5971**, and **Substitute Senate Bill 5972**. Passage of these bills is looking less likely with each day of the Session that goes by. If they *do* pass, they would invest \$315 million in these “Healthy and Active Communities” programs: Bicycle and Pedestrian Grants, \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million.

Also, an update on **2SHB 1497**, a “foundational public health” bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.): The Governor signed this bill into law on April 3 and it takes effect July 28, 2019. Overall, on **public health**, both the House and Senate Operating Budgets include \$73 million for public health funding distributions – with the House including an additional \$22 million for foundational public health and the Senate \$11 million.

Other Bills

(NOTE: I have removed bills which have 'died.' If you have items you want added, or have questions on particular bills impacting local parks and recreation, e-mail me: Doug@outcomesbylevy.onmicrosoft.com)

- **SB 5993, changing the financial structure of the Model Toxics Control Act (MTCA):** While this bill deals with the funding mechanism for MTCA and is thus not a parks and recreation issue per se, I'm including it because it plays a significant role in helping the Senate fund investments in its 2019-21 Capital Budget. **5993** has broad-based support from cities, ports, the environmental community, and others. But it also is adamantly opposed by the petroleum industry, which will bring busloads of refinery workers to Olympia on Monday to protest it. **5993** changes the value-based collection method for the Hazardous Substance Tax (*currently 0.7 percent of wholesale value*) to a "volumetric-based" tax with a rate of \$2.52 per barrel on petroleum products beginning July 1, 2020 and increasing by a fiscal growth factor each year thereafter. **5993** is still in Senate Ways & Means.
- **SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** With a 39-2 Senate vote last Friday, this bill has now passed the Legislature and is on its way to the Governor. WRPA *supports* **2044**, which lays out several de-annexation options. The first is where a City and an MPD/Park District approve resolutions agreeing to do so. If that can't be achieved, a 10 percent petition can be used to bring the matter to a vote. A public vote can be pursued as well if the MPD/Park District has not performed core functions for at least five years (*applies to all counties with a population of 200,000 or more*).
- **SB 5036/HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** This WRPA-*supported* bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the magnitude of its budget and the amount of work its Commissioners do in setting fiscal and subject-matter policy. We're a bit worried that both bills remain in the respective Rules Committees as the close-of-Wednesday deadline draws nearer.
- **SHB 1028, technical-fix bills on which off-road vehicles are subject to local government regulations; EHB 1846, technical corrections to disposition of ORV funds:** Both these bills are moving. **1028** advanced to the Senate Floor Calendar last Tuesday. **1846** passed off the Senate Floor by a 47-0 vote last Friday and will now be delivered to the Governor.
- passed last Thursday out of the Senate Transportation Committee. Both have since advanced to the Senate Rules Committee.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** moved to the Senate Floor Calendar last Thursday.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** This Senate-passed bill advanced to the House Floor Calendar on April 3 and remains there awaiting a vote.
- **HB 1449, recognizing the fourth Saturday of September as "Public Lands Day":** This House-approved bill advanced to the Senate Floor Calendar last Thursday. It is being placed on the "Consent Calendar" which is where non-controversial bills are listed for Floor votes.
- **SHB 1708, increasing fishing and hunting license fees:** The 'vehicle' for this fee bill will be the House measure, which is referenced and funded in the House's version of the 2019-21 Operating Budget. An increase in fishing/hunting license fees is not in the Senate's Operating Budget. This is another of the 'end-game' type bills I referenced.
- **ESHB 1772, regulating motorized scooters:** This bill passed the Senate last Friday on a 35-7 vote and now needs final concurrence from the House.
- **ESSB 5148, concerning visible clothing requirements for hunters:** What I've dubbed the "let them wear pink bill" passed 92-0 off the House Floor last Wednesday. It will now be delivered to the Governor for signature into law.
- **ESHB 1510, governing the use of narrow track vehicles:** This House-passed bill advanced to the Senate Floor Calendar last Tuesday.

- **SHB 1953, reducing the number of permits required for recreation at a Sno-park:** This bill passed of the Senate Floor last Thursday by a vote of 46-0 and will need a final House concurrence.
- **EHB 1996, creating a San Juan Islands stewardship special license plate:** This bill passed the Senate by a 43-1 vote on Saturday. It needs a final House concurrence.
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** Last Friday, on a 90-5 vote, the House approved this bill. The House Appropriations Committee amended the bill to require funding to be in place before it can be implemented. It is referenced and funded (\$250,000) in the Senate's 2019-21 Operating Budget.
- **HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** This bill passed the Senate 43-1 on Saturday and will now be delivered to the Governor.
- **SSB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** These bills are not moving, but we are seeing \$3.9 million for PILT in each Operating Budget. The WWRC has indicated that the House budget approach is preferred and that funding can proceed without the bills.
- **HB 2122, imposing sales tax on recreational equipment and apparel and dedicating the proceeds to the state wildlife account:** While this bill will *not* pass, it helped spawn the idea of a possible \$200,000 study in the Operating Budget to look at future funding needs for wildlife, outdoor recreation, habitat and more. If such a proviso and funding makes it into the Operating Budget, here is the language a small group of us worked on:

\$200,000 of the general fund—state appropriation is provided to the department of fish and wildlife in partnership with the department of natural resources and the state parks and recreation commission to coordinate and facilitate a process to develop options and recommendations to ensure the fiscal health and stability of public land and water management within these agencies. The task force will identify and evaluate alternative broad-based funding mechanisms for fish and wildlife habitat, ecological health, marine water access and outdoor recreation infrastructure. The task force should take into account the impacts of these mechanisms on key economic drivers. The task force should be comprised of a diverse set of representatives from outdoor recreation user groups and businesses, hunting and fishing user groups, recreational boaters, conservation organizations, and land trust organizations. The task force will submit a report to the appropriate committees of the legislature with the task force's findings and recommendations by October 1, 2020. The department of fish and wildlife, the department of ecology, the department of natural resources, the state parks and recreation commission, the Washington state conservation commission, and the recreation and conservation office will have ex officio membership on the task force.

**WEEK 14 REPORT ON 2019 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 4/22/19

On this Easter Weekend, perhaps it was only fitting that legislators engaged in existential debates about vaccinations and safe-injection sites as lawmakers closed the book on Week 14 and chugged into their final week of the 2019 Regular Session.

The Legislature is now approaching very tight deadlines if it is to finish its work on Operating (**ESHB 1109**), Capital (**ESHB 1102**), and Transportation (**ESHB 1160**) budgets for the 2019-21 biennium. We hear that progress is being made on all three but that big decisions still lie ahead.

On the Operating side, Senate Ways & Means and House Finance Committee sessions just completed and just ahead lend reality to the word we get – which is that the Senate is raising its new-revenue baseline by about \$1 billion to go ‘halfsy’ with the House spending level. On the Capital Budget front, continued Senate progress on **SSB 5993** to restructure the Hazardous Substance Tax is a helpful signal that the revenue to complete these budget negotiations will be in hand. Lastly, on Transportation, the Senate and House have agreed on some of the easier parts of their respective budgets, but still need to decide on more difficult components such as funding a series of local projects (*House does; Senate does not*).

As the budget negotiations take place behind the scenes, legislators hit their final Floor cutoff deadlines last Wednesday. The final bill on the Senate Floor was **EHB 1638**, which removes the ability of a parent to deny vaccinations to their children based on philosophical or personal objections (*a contrary-to-religious-beliefs exemption remains in statute*). Democrats withstood Republican objections – and 15 Floor Amendments – to pass the measure on a 25-22 vote. It still needs a final House concurrence.

A day prior to the vaccination-bill vote, House Republicans added some controversy to an opioid use disorder bill that had heretofore enjoyed strong bi-partisan support (**SSB 5380**). The amendment by Rep. Drew Stokesbary (R-Auburn/31st Dist.), targeted at the City of Seattle, would prohibit the state Health Care Authority from partnering on opioid prevention work with any agency allowing safe injection sites. While the House ended up approving the Floor Amendment, the Senate refused to concur with it.

Amidst all the controversy, local governments had a week with some hits and misses. A bill on residential density is ending up in a good place and other damaging bills ‘died.’ However, a “wrongful death” bill is on its way to the Governor and a helpful Public Records Act bill ‘died’ despite being on the Senate’s “Order of Consideration” for action on the final deadline day (Wednesday).

For WRPA, Week 14 was one where we continued to focus most of our energies on the 2019-21 Capital Budget and getting the best result possible on funding levels for the Washington Wildlife & Recreation Program (WWRP), the Youth Athletic Facilities (YAF) program, and the Aquatic Lands Enhancement Account (ALEA). Our work has been a combination of in-Olympia conversations and “Action Alert” e-mailing and phone calling efforts.

Here is my status update on WRPA priorities and support items, followed by a bulletized rundown of other legislation impacting local parks and recreation. (*See Next Page*).

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development (Policy Bill) SSB 5680/SHB 1371 made it through Senate and House policy committees but stalled in the fiscal committees. We will be trying again in 2020 and re-upping our efforts beginning with the 2019-20 interim.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) After teaming up with the Washington Wildlife & Recreation Coalition and the Washington Association of Land Trusts on letters to Capital Budget leadership regarding WWRP/YAF/ALEA, we added our own “Action Alert” to parks and recreation professionals and lobbyists for local agencies with at-risk projects. I also had conversations during Week 14 with Senate Ways & Means Capital Chair David Frockt (D-Seattle/46th Dist.), Sen. Frockt’s backup negotiator Mark Mullet (D-Issaquah/5th Dist.), House Capital Budget Chair Steve Tharinger (D-Dungeness/24th Dist.), and House Capital Budget Ranking Member Richard DeBolt (R-Chehalis/20th Dist.). My conversations with Sen. Mullet and Rep. DeBolt on YAF were positive ones. We also have a very good feeling about where things will end up on WWRP and ALEA. To recap our ‘end-game’ goals: on WWRP, the \$90 million provided by the Senate; on YAF, the \$12 million in the House; and on ALEA, the \$6.6 million in the Senate’s Capital Budget.

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) As I’ve noted in prior reports, this was a Session where we saw the Governor, House, and Senate turn to bond-funding ALEA vs. using the monies in the dedicated account. We will renew our efforts in the interim and heading into 2020 on the importance of using dedicated ALEA accounts toward intended purposes. For the rest of this Session, though, our focus is on holding the \$6.6 million in the Senate budget.

“Support/Oppose” Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) I’m part of a coalition of cities, counties, and housing interests working to keep as much of the funding as possible for **SHB 1406** by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.). **1406** provides nearly \$70 million in state sales tax credits to cities and counties to construct affordable housing. The bills would also enable local governments to bond against those revenues. At this juncture, however, we are being asked for ways that the fiscal impact – and thus the buying power and effectiveness – of **1406** can be cut in half. Stay tuned.

Beyond **1406**, here is an update on several other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** One of our colleagues had a hilarious turn-of-phrase in describing how **1923** ended up: “funded un-mandate.” The bill is not *quite* to the Governor, as the House last Thursday refused to concur with Senate amendments. However, that refusal is the result of a mutually-agreed-upon language fix to the part of the bill detailing how cities will be protected SEPA and GMA appeals. As soon-to-be passed, **1923** provides an *optional* series of actions cities can take to increase residential density and housing affordability. One of the most flexible options is the development of a “Housing Action Plan.” Cities that move ahead with implementing density and affordable options have access to state grant monies, funded through a \$2.50 surcharge on the Document Recording Fee.
- ✓ **ESSB 5812, planning and zoning for Accessory Dwelling Units (ADUs):** This bill remained in the House Rules Committee throughout Week 14 and ‘died.’ As last revised, the **5812** legislation “grandfathered” cities from having to meet any of the prescriptive conditions and development standards in the bill if they either: a) adopted an ADU ordinance since 2012 that led to an increase of permitted activity; or b) implemented updates or revisions to their ordinances since then.

- ✓ **EHB 1219, providing cities permanent authority to use a portion of REET 2 revenues for homelessness and affordable housing projects:** The Governor signed this bill into law last Friday.
- ✓ **SHB 1377, concerning affordable housing development on religious organization property:** The House voted 85-9 last Thursday to concur with Senate amendments to this bill and deliver it to the Governor. **1377** requires cities to provide a density bonus – the same density bonus they would offer for other development – for affordable housing built on property owned by religious organizations. Senate amendments require the affordable housing development to be set aside for, and occupied exclusively by, low-income households for at least 50 years.
- ✓ **ESSB 5383, regarding “tiny homes”:** This bill awaits Senate concurrence and was on a list for action late last week, but no final vote was taken. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities.
- ✓ **HB 2110, modifying the definition of affordable workforce housing for permitted countywide lodging tax expenditures:** This bill never advanced beyond the Senate Rules Committee and is thus ‘dead’ for the 2019 Session. **2110** re-defined “affordable work force housing” to make it easier to distribute countywide lodging tax funds to projects for a single person or family with incomes at or below 30 percent of median income.
- ✓ **ESB 5334, reforming condominium liability laws:** The Senate voted unanimously last Friday to concur with House amendments and deliver this bill to the Governor. **5334** narrows condominium construction liability exposure for builders. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with “all laws.”
- ✓ **E2SSB 5444, providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders:** This bill passed unanimously off the House Floor last Monday and needs final Senate concurrence. There are several components to **5444**, including establishing “forensic navigators” that courts can appoint to assist defendants referred for behavioral health competency evaluation access services. The bill also expands the offenses eligible for law enforcement diversion of offenders into competency evaluation and restoration services.
- ✓ **SSB 5537, expanding community-based behavioral health facilities through issuance of state bonds:** This bill is included in the Senate’s Capital Budget and whether it gets enacted depends upon the outcome of final Senate-House negotiations on **ESHB 1102**.

Oppose Legislation to Prematurely Place Regulatory Burdens on “Crumb Rubber” Fields

(*Potential Policy Bill*) No 2019 bill for us to fret over (☺).

“Big Tent” Outdoor Recreation Coalition

(*Budgetary, Policy Items*) WRPA strongly supports the work of the “Big Tent” Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. Big Tent has been holding weekly conference calls (*I’ve been participating*) but is not ‘working’ any major bills down the homestretch of the Session.

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(*Policy Bill/Bills*) No 2019 bill on this one.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

Still pending in the Senate but looking at extremely long odds now is a 10-year, \$16 billion revenue package via **Substitute Senate Bill 5970**, **Substitute Senate Bill 5971**, and **Substitute Senate Bill 5972**. Passage of these bills depends on new Committee and Floor action that hasn't been scheduled. At one juncture last Thursday, the Ways & Means Committee had scheduled a hearing on **5971**, but the bill was then removed from the hearing calendar a few hours later. If these bills *were* to pass, they would invest \$315 million in these "Healthy and Active Communities" programs: Bicycle and Pedestrian Grants, \$165 million; Safe Routes to Schools grants, \$60 million; and Complete Streets grants, \$90 million.

Also, to reiterate on **2SHB 1497**, a "foundational public health" bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.): The Governor signed this bill into law on April 3 and it takes effect July 28, 2019. Overall, on **public health**, both the House and Senate Operating Budgets include \$73 million for public health funding distributions – with the House including an additional \$22 million for foundational public health and the Senate \$11 million. We're still awaiting final Operating Budget numbers.

Other Bills

(NOTE: I have removed most bills which 'died.' If you have items you want added, or have questions on particular bills impacting local parks and recreation, e-mail me: Doug@outcomesbylevy.onmicrosoft.com)

- **SB 5993, changing the financial structure of the Model Toxics Control Act (MTCA):** This bill passed out of Ways & Means last Thursday on a party-line vote, with Democratic Sen. Mark Mullet (D-Issaquah) joining all the Republicans on the Committee in voting no. **5993** provides several hundred million worth of new revenue to help finance the Senate's Capital Budget. Importantly for cities and counties, it would create a stable revenue source for stormwater grant funding -- well over \$80 million per biennium. **5993** has strong support from cities, counties, ports, the environmental community, and others. It is strongly opposed by the petroleum industry, the agricultural sector, and businesses such as Alaska Airline which are major users of fuel.
- **SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** The Legislature delivered this WRPA-supported bill to the Governor last Friday. **2044** lays out several de-annexation options. The first is where a City and an MPD/Park District approve resolutions agreeing to do so. If that can't be achieved, a 10 percent petition can be used to bring the matter to a vote. A public vote can be pursued as well if the MPD/Park District has not performed core functions for at least five years (*applies to all counties with a population of 200,000+*).
- **HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** Congratulations to our friends at Metro Parks Tacoma! Their two-year effort to enact this legislation came to fruition last Tuesday with a 42-6 Senate vote that sends **1092** to the Governor's desk. This WRPA-supported bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the magnitude of its budget and the amount of work its Commissioners do in setting fiscal and subject-matter policy.
- **SHB 1028, technical-fix bills on which off-road vehicles are subject to local government regulations; EHB 1846, technical corrections to disposition of ORV funds:** Last week, **SHB 1028** "died" on the Senate Floor Calendar – though it *could* be revived if it is included in the final version of the 2019-21 Transportation Budget. **1846** was formally delivered to the Governor last Thursday.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. **1436** passed unanimously off the Senate Floor last Monday and needs one final concurrence from the House.
- **SB 5613, giving counties authority to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety:** This bill "died" on the House Floor Calendar last week – the second consecutive Session it has suffered that fate.
- **HB 1449, recognizing the fourth Saturday of September as "Public Lands Day":** This House-approved bill passed unanimously off the Senate Floor last Monday and heads to the Governor.

- **SHB 1708/SB 5602, increasing fishing and hunting license fees:** It now appears virtually certain that an increase in hunting and fishing licenses will be part of the final Operating Budget picture. **SHB 1708** appears to be the ‘vehicle’ for this fee bill, since it is on a list for House Appropriations Committee “Executive Session” action today (Monday). Additionally, the Senate Agriculture, Water, Natural Resources and Parks Committee has scheduled an 8 a.m. Tuesday hearing on the companion bill, **SB 5692**. This legislation would increase most fishing and hunting licenses by 15 percent, with a \$7 cap on fishing-license increases and a \$15 cap on hunting-license increases.
- **ESHB 1772, regulating motorized scooters:** The House voted 80-18 last Thursday to concur with Senate amendments and send this bill to the Governor. It authorizes local authorities to regulate the operation of motorized foot scooters and shared scooters within their jurisdictions. The bill restricts motorized foot-scooter speeds and prohibits those under 16 from operating a motorized scooter unless a local jurisdiction specifically allows it.
- **ESSB 5148, concerning visible clothing requirements for hunters:** Last Friday, the Governor signed into law what I’ve branded the “let them wear pink bill.” **5148** requires the state Fish & Wildlife Commission to adopt rules determining that while a person is hunting, he/she is required to meet a “visible clothing requirement” by wearing either fluorescent orange or fluorescent pink clothing or both.
- **ESHB 1510, governing the use of narrow track vehicles:** This House-passed bill passed unanimously off the Senate Floor last Wednesday and will go to the Governor.
- **SHB 1953, reducing the number of permits required for recreation at a Sno-park:** Last Thursday, the House unanimously concurred with Senate amendments and sent **1953** on its way to the Governor’s desk.
- **EHB 1996, creating a San Juan Islands stewardship special license plate:** Similarly, the House unanimously concurred with Senate amendments to **1996** last Thursday. It, too, is being delivered to the Governor.
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** This bill awaits a final concurrence from the Senate. It is referenced and funded (\$250,000) in the Senate’s 2019-21 Operating Budget.
- **HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** This bill has passed the Legislature. House leadership signed the paperwork last Thursday to send it to the Governor and the Senate now needs to do the same.
- **SSB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** These bills are not going to pass, so now the only question is exactly *how* the PILT program is funded in the final budget. While each budget includes \$3.9 million for PILT, our colleagues at WWRC have indicated that the House budget includes some preferred language with the funds.
- **HB 2122, imposing sales tax on recreational equipment and apparel and dedicating the proceeds to the state wildlife account:** We knew this bill *wasn’t* going to pass, but for a while it spurred discussions over a possible \$200,000 Operating Budget study to look at future funding needs for wildlife, outdoor recreation, habitat and more. Those discussions stalled and will have to continue in the interim, as Fish & Wildlife is putting its time and focus into retaining core budget items.

**WEEK 15/END OF 2019 REGULAR SESSION REPORT ON THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 4/30/19

As they passed a bevy of final-weekend bills on everything from school levies to health care options to affirmative action to the protection of records involved in “bump stock” buybacks to revenue to budgets, a group of groggy Washington State lawmakers completed a “taxing” 2019 Session – and they did it on time.

My word play on ‘taxing,’ of course, refers to the fact that many newspaper headlines will point out a series of targeted tax-and-revenue bills enacted by legislators, including a graduated Real Estate Excise Tax (REET) and a few different types of B&O tax surcharges. Here’s how the *Seattle Times*, *Everett Herald*, and (*Tacoma*) *News-Tribune* reported it – I’ve linked four (4) articles in all that you may find interesting:

<https://www.seattletimes.com/seattle-news/politics/as-the-washington-legislature-races-to-wrap-up-gov-inslee-takes-a-victory-lap/>

<https://www.seattletimes.com/seattle-news/politics/here-are-the-taxes-washington-lawmakers-are-voting-to-raise-and-cut/>

<https://www.heraldnet.com/news/with-last-minute-deal-on-school-levies-legislature-adjourns/>

<https://www.thenewstribune.com/news/politics-government/article229782974.html>

As for the take on this Session out of the Legislature and the Governor’s office, it’s likely in the eye of the beholder. Minority Republicans will point to a level of spending that is \$8 billion higher than the current two-year budget and relies on over \$800 million in new tax measures. But Governor Jay Inslee and Senate and House leaders can point to landmark legislation for the health insurance market, to give schools some new levy options, to reform the Hazardous Substance Tax that funds the Model Toxics Control Act, to a targeted B&O tax that funds work force and higher education, and to a sales tax credit that will enable local governments to construct thousands of new units of affordable housing.

Governor Inslee lauded the 2019 Legislature for “delivering the mail” on everything from climate change to clean energy to Orca protections to behavioral health to opioid-disorder treatment to education. Here’s the lengthy news release out of the Governor’s Office for your viewing pleasure:

<https://medium.com/wagovernor/2019-legislative-session-wraps-up-with-big-wins-in-climate-health-care-and-education-626ead44e855>

Finally, amidst the final-night-of-Session hubbub, the House paid tribute to one of the longest-serving Speakers in the nation – Frank Chopp. After being Speaker for nearly 20 years, Chopp will hand his gavel off to someone new – with four women members (Reps. Laurie Jinkins, D-Tacoma; June Robinson, D-Everett; Monica Stonier, D-Vancouver; and Gael Tarleton, D-Seattle) vying for the job. You can find the emotional televised tribute to Speaker Chopp at TVW.org – and in the meantime, here’s a link to House Resolution 4641 honoring someone who leaves a huge imprint on our state:

<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/House%20Resolutions/4641-Frank%20Chopp.pdf>

Transitioning from the macro to the micro, I’m attaching with a document that shows you how the Capital Budget turned out – pretty well, all things considered!

We can call Week 15 a terrific one for WRPA, particularly in terms of seeing the Youth Athletic Facilities (YAF) category of the Capital Budget funded at \$12 million and the Aquatic Lands Enhancement Account (ALEA)! We would have liked to see the Washington Wildlife and Recreation Program (WWRP) land at a \$90 million

Here is my status update on WRPA priorities and support items, followed by a bulletized rundown of other legislation impacting local parks and recreation.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development *(Policy Bill)*

SSB 5680/SHB 1371 passed easily through Senate and House policy committees but stalled in the fiscal committees. As I've reported, we plan to try again in 2020 and will start interim discussions within a month or so. While we obviously would have liked to have seen these bills progress further, we did make some important progress and we did lay a foundation for next Session.

Enact 2019-21 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA

(Capital Budget) Wowza! I'm very proud of the collective team effort on maximizing outdoor recreation accounts in the final Capital Budget! On YAF, after Governor Inslee and then the State Senate proposed a \$5.035 million allocation, we preserved the \$12 million level funded in the House. The storyline is similar for ALEA, where we kept a \$6.6 million Senate funding level intact despite a \$4.96 million proposal by the Governor and a \$4.3 million allocation by the House. In total, 31 projects that were at risk of getting no funding at all (26 YAF; 5 ALEA) got the full funding levels for which they were recommended by the Recreation and Conservation Office (RCO). That didn't happen by accident, but rather through a sustained and concerted effort by many parks and recreation professionals, city and county lobbyists, and more. I also give credit to the Washington Wildlife & Recreation Coalition for helping us spearhead the development of a combined WWRC, WRPA, and Washington Association of Land Trusts' letter pushing for \$90 million on WWRP, \$12 million on YAF, and \$6.6 million on ALEA. While we didn't end up with the \$90 million for WWRP, I think Coalition Executive Director Christine Mahler summed it up well: *"This may not be the \$130 million we were advocating for, but given all of the critical demands facing our Legislature this cycle, I think \$85 million --the second highest funding level ever -- is a strong showing, and something to continue to build on in the coming years."*

Protect Funding for Dedicated Accounts within the Capital Budget – ALEA

(Capital Budget) While the Legislature generally left dedicated funding accounts for outdoor recreation intact, the one departure involved the Governor, the House, and the Senate all bond-funding ALEA vs. using the monies in the dedicated account. We will have to re-up our efforts in the interim and heading into 2020 on the importance of using dedicated ALEA accounts toward intended purposes. That said, the \$6.6 million final funding level is a milestone for us!

"Support/Oppose" Items

Support Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills) Lawmakers took significant action on affordable housing in 2019, including increased funding for the Housing and Essential Needs (HEN) program, tenant-eviction reform legislation, reduced liability exposure for condominium construction, and a bill to incentivize increased density and affordability inside cities. But the landmark bill for the Session is likely **SHB 1406** by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.). The Senate ended up scaling back the overall level of state sales tax credit funding in the final bill, meaning the enacted **1406** will provide about 73 percent as much funding as the nearly \$70 million a biennium in state sales tax credits to cities and counties as the House-passed version.

But that is still over \$500 million for the next 20 years, and several hundred million more dollars in bonding authority provided to local governments! I'm still waiting for finalized charts to show how much state sales tax credit revenue **1406** brings to each county; here is a chart showing the numbers/dollars for all cities:

<https://wacities.org/docs/default-source/Legislative/hb1406estimatedistributions.pdf?sfvrsn=4>

Here is a final-week roundup of other affordable housing, mental health, and homelessness bills:

- ✓ **E2SHB 1923, options for cities to increase urban residential density and affordability:** The House and Senate completed technical fixes to this bill last week and delivered it to the Governor. As passed by the Legislature, **1923** provides an *optional* series of actions cities can take to increase residential density and housing affordability. I've noted that one of the most flexible options is the development of a "Housing Action Plan." A \$2.50 surcharge on the Document Recording Fee covers the cost of state grants available to cities which take actions pursuant to **E2SHB 1923**.
- ✓ **SHB 1377, concerning affordable housing development on religious organization property:** This bill was delivered to the Governor Friday. **1377** requires cities to provide a density bonus – parallel to what they would offer other developments – for affordable housing built on property owned by religious organizations. **1377** requires the affordable housing development to be set aside for, and occupied exclusively by, low-income households for at least 50 years.
- ✓ **ESSB 5383, regarding "tiny homes":** The Senate voted 41-1 last Monday to concur with House amendments and send this legislation to the Governor. It was delivered on Thursday. **5383** authorizes cities and towns to adopt ordinances regulating the creation of tiny house communities.
- ✓ **ESB 5334, reforming condominium liability laws:** This bill was delivered to the Governor last Thursday. It's a helpful bill for builders who have sought to minimize condominium construction liability exposure. Under the bill, they are required to meet all applicable building codes vs. having to be in accordance with "all laws."
- ✓ **E2SSB 5444, providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders:** The Senate unanimously concurred with House amendments last Wednesday and it reached the Governor's desk on Monday (April 29). **5444** is a significant bill that implements several components of the *Trueblood* case, in which the state was found liable for imposing excessive wait times on in-custody defendants waiting to receive competency evaluations and restoration services. This week's AWC Bulletin has a very comprehensive write-up of what **5444** does – go to the middle of P. 15: <http://wacities.org/docs/default-source/Legislative/bulletin/042919.pdf?sfvrsn=2>
- ✓ **SSB 5537, expanding community-based behavioral health facilities by issuing state bonds:** This bill was in the Senate's Capital Budget but not the final one.

Oppose Legislation to Prematurely Place Regulatory Burdens on "Crumb Rubber" Fields

(Potential Policy Bill) I'm delighted to tell you – one last time – that there was no 2019 legislation on this front. Yippee!

"Big Tent" Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supports the work of the "Big Tent" Outdoor Recreation Coalition, an umbrella organization comprised of several dozen outdoor retailers, non-profits, and others that seek to ensure Washington State recognizes and maximizes the economic, societal, tourism, and health benefits of outdoor recreation. In 2019, Big Tent Coalition members participated actively in Thursday morning meetings of an Outdoor Recreation Caucus and held Friday morning calls to check in on budget and policy items impacting the great outdoors.

Support efforts to make outdoor recreation passes simpler, more equitable, and more convenient

(Policy Bill/Bills) No 2019 bill on this one.

Advocate for Key “Healthy & Active Communities” Funding within the State Budget Process

(*Capital, Transportation, Operating Budgets*) Through our “Healthy and Active Communities” initiative begun several years ago, WRPA works to ensure adequate funding of grant programs and budgetary items that help youth and adults live active and healthy lifestyles; enhance public health; and combat a growing obesity trend in Washington and across the country. Key budget items we support:

- Public Health District funding -- *Operating Budget*;
- Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the *Transportation Budget*;
- Dedicated accounts and grant programs in the *Capital Budget* such as WWRP, YAF, ALEA, NOVA, BFP.

In the end, there was no new revenue package for transportation, meaning the accounts above will continue to get their ongoing “Connecting Washington” allocations. On **2SHB 1497**, a “foundational public health” bill prime-sponsored by Rep. June Robinson (D-Everett/38th Dist.), I previously reported it was signed into law on April 3 and takes effect July 28, 2019. Overall, on **public health**, both the House and Senate Operating Budgets include \$73 million for public health funding distributions and an additional \$22 million for foundational public health work.

Other Bills

(NOTE: Below is an update on some bills acted upon in the final week of the Regular Session)

- **ESSB 5993, changing the financial structure of the Model Toxics Control Act (MTCA):** As I’ve reported, this bill provides significant new funding for the Capital Budget and helped make **ESHB 1102** as robust as it was. **5993** passed off the Senate Floor last Thursday and the House Floor last Saturday, but not without bitter Floor fights and close votes (*27-22 in the Senate, 50-48 in the House*). There was a setback to the bill in House Finance when members removed the automatic-inflator portions of the bill. The Senate insisted that amendment be stripped on the House Floor and it was. Importantly for all of you, **5993** would steer 15 percent of the new “volumetric” revenue from the Hazardous Substance Tax into stormwater cleanup and management – an estimated \$63 million per biennium, growing with inflation. Despite strong opposition from oil refineries and Alaska Airlines, **5993** narrowly passed with help from Ports, environmental groups, cities, and counties.
- **SHB 2044, providing a methodology for a city to de-annex from a Metropolitan parks District or Parks District:** The Governor signed this WRPA-supported bill into law last Wednesday. **2044** lays out several de-annexation options. The first is where a City and an MPD/Park District approve resolutions agreeing to do so. If that can’t be achieved, a 10 percent petition can be used to bring the matter to a vote. A public vote can be pursued as well if the MPD/Park District has not performed core functions for at least five years (*applies to all counties with a population of 200,000+*).
- **HB 1092, concerning the compensation of commissioners of certain Metropolitan Parks Districts:** Congratulations to our friends at Metro Parks Tacoma! Their two-year effort to enact this legislation came to fruition during the 2019 Session. The Governor signed their bill into law on Monday (April 29). This WRPA-supported bill is narrowly crafted to enable Metro Parks Tacoma to provide additional compensation to its Parks Commissioners, given the magnitude of its budget and the amount of work its Commissioners do in setting fiscal and subject-matter policy.
- **EHB 1846, technical corrections to disposition of ORV funds:** The Governor signed this bill into law last Wednesday.
- **SHB 1436 regarding snow bikes:** Under this bill, there would be one combined license allowing for the operation of a motorcycle as either a motorcycle or a snow bike. Last Thursday, the House unanimously concurred with Senate amendments to this legislation. Lawmakers delivered **1436** to the Governor on Sunday.
- **HB 1449, recognizing the fourth Saturday of September as “Public Lands Day”:** Legislators delivered this bill to the Governor last Friday.

- **2SHB 1708/SSB 5692, increasing fishing and hunting license fees:** These bills were in play all the way through the final day of Session, but did not pass. The legislation would have increased fishing and hunting licenses by 15 percent, with a \$7 cap on fishing-license increases and a \$15 cap on hunting-license increases.
- **ESHB 1772, regulating motorized scooters:** The Governor signed this bill into law on Monday. It authorizes local authorities to regulate the operation of motorized foot scooters and shared scooters within their jurisdictions. The bill restricts motorized foot-scooter speeds and prohibits those under 16 from operating a motorized scooter unless a local jurisdiction specifically allows it.
- **ESSB 5148, concerning visible clothing requirements for hunters:** We can call this one – signed into law by the Governor on April 19 – either the “pink is the new orange” bill, or the “let them wear pink bill.” **5148** requires the state Fish & Wildlife Commission to adopt rules determining that while a person is hunting, he/she is required to meet a “visible clothing requirement” by wearing either fluorescent orange or fluorescent pink clothing or both.
- **ESHB 1510, governing the use of narrow track vehicles:** I’ve verified that this House- and Senate-passed bill “died” for lack of a final House concurrence.
- **SHB 1953, reducing the number of permits required for recreation at a Sno-park:** Lawmakers delivered this bill to the Governor last Thursday, and he signed it into law on Monday.
- **EHB 1996, creating a San Juan Islands stewardship special license plate:** Similarly, the Governor signed this bill on Monday.
- **SB 5918, integrating whale watching guidelines into the boating safety education program administered by State Parks:** This bill checked its final box last Monday when the Senate voted 48-1 to concur with House amendment. Lawmakers then delivered the bill to the Governor last Thursday. It is referenced and funded in the final Operating Budget, though the Senate-passed level of \$250,000 was reduced to \$150,000.
- **HB 2062, establishing a Seattle Storm special license plate and using proceeds to help fund a youth leadership advisory council:** This bill was delivered to the Governor last Friday.
- **SSB 5696/HB 1662, modifying the Payment in Lieu of Taxes (PILT) program affecting counties:** These bills didn’t pass, but there is \$3.99 million in the final budget for PILT, to be distributed to 13 counties through the State Treasurer’s Office.