

WEEK 2 REPORT ON 2022 SESSION OF THE LEGISLATURE & WEEK 2 HEARINGS
For WRPA President, Executive Board, Executive Director, Legislative Committee

Doug Levy – 1/23/2022

“Great Outdoors Day” was indeed a great one – thank you!

It was (virtually) sunny in Olympia last Thursday – thanks to so many of you who attended “Great Outdoors Day” and let the light of the outdoors shine on our State Legislature! A big shout-out to all of you who took the time to meet with your lawmakers, to hear from key legislators, and to make a successful day out of this event co-sponsored by WRPA and our friends with the Washington Wildlife & Recreation Coalition (WWRC). It is my understanding that Great Outdoors Day attendees conducted about 90 meetings covering 39 of the state’s 49 legislative districts! We also held three Legislative Webinars leading into the day, and I would like to thank our legislative speakers who took time to speak at those: Sens. David Frockt (D-Seattle/46th Dist.), Mark Mullet (D-Issaquah/5th Dist.), and Mark Schoesler (R-Ritzville/9th Dist.) and Reps. Steve Tharinger (D-Dungeness/24th Dist.), Lisa Callan (D-Issaquah/5th Dist.), David Hackney (D-Tukwila/11th Dist.), Peter Abbarno (R-Chehalis/20th Dist.), Andrew Barkis (R-Olympia/2nd Dist.), Cindy Ryu (D-Shoreline/32nd Dist.), and Emily Wicks (D-Everett/38th Dist.). Until next time.....

In a week bookended by the Martin Luther King holiday and the state’s announcement that it is offering free at-home COVID-19 tests, legislators chugged through a hectic week of hearings as the number of holdover and new bills approached 2,000.

It will be early February before committees start winnowing down the list of policy and budget-related bills – and until then both lawmakers and stakeholders are in full sprint to get their legislation heard and moving.

Debates during the week focused on everything from “missing middle” housing and density to policing reform ‘fix’ bills to the fast-track legislation (**HB 1732** and **HB 1733** have already passed the House and are due to clear Senate Ways & Means on Tuesday) to delay and establish new exemptions for the long-term care trust program previously enacted by the Legislature.

For WRPA, it was a productive Week 2, spotlighted by the presence of so many of you for Great Outdoors Day. Two days prior to that, our priority bill on local funding options (**HB 1025**) had a very successful hearing in the House Finance Committee. A derelict vessel funding bill we support is on the move, and legislation to expand outdoor education programs throughout the state is on the docket for Week 3.

Below is an overview of where we stand on WRPA’s 2022 Legislative Agenda priorities. As is customary, I also am providing a bullet-listed rundown of other bills impacting local parks and recreation and/or outdoor recreation (*let me know if you have any we should add*). A Week 3 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 which only became more challenging under COVID-19 – HB 1025**

(Policy/Fiscal Bill) A mic-drop goes out to our local parks and recreation reps who did such a nice job last Tuesday afternoon as the House Finance Committee heard **House Bill 1025** prime-sponsored by Rep. Emily Wicks (D-Everett/38th Dist.) and co-sponsored by Rep. Carolyn Eslick (R-Sultan/39th Dist.). Thanks once again to Nicholas Tosaya of Pierce County Parks, Lake Stevens Parks Planning & Development Coordinator Jill Meis, and Monroe Parks Director Mike Farrell. It is our understanding that a Finance Committee vote on **HB 1025**

will occur this coming Thursday if not before. House Finance Vice-Chair April Berg (D-Mill Creek/44th Dist.) will sponsor a Committee Amendment adding both intent language regarding the value of local parks and directive language to ensure that local parks and recreation agencies evaluating the use of new funding do so through an equity lens. Rep. Berg shared with me over the weekend some language being added to the Committee Amendment – I will pass that on to all of you along with this report.

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

(Recreation & Conservation Office in concert with Governor/OFM) As I shared, this is an issue we are working on with our partners at the Recreation & Conservation Office (RCO) vs. in the hallways of the Legislature. To recap: Last year RCO received a one-time, \$42 million allocation of funds left over from the \$300 million in state bonds used to build the Seahawks Stadium (*now Lumen Field*). The bond funds grew out of a voter-approved referendum focused primarily on financing the stadium but also including some funds dedicated to local youth athletic facilities. RCO is developing a plan for how to invest those funds, in collaboration with the Governor's Office and the Office of Financial Management (OFM) – and with input we have provided. We believe RCO will lay out details this week for their Recreation & Conservation Funding Board (RCFB).

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

(Operating Budget) One key thing we heard from our Great Outdoors Day Legislative Webinar speakers last week was that affordable housing will be “first among equals” in terms of investing general fund revenues that have left the state's Operating Budget in a very healthy place. We will see a proposed \$52 million on state revenue targeted toward expanding outdoor education programs within the K-12 schools system – some of which involve partnerships with our local parks agencies. **SB 5925/HB 2078** on outdoor education is up for hearings today (Monday) in the Senate Early Learning and K-12 Committee and Tuesday morning in the House Education Committee. Updating a couple other bills I flagged: **HB 1672** on Conservation Futures levies will remove 1 percent property tax limits for 13 counties that have adopted these programs; and **SB 5796** by Sen. Rebecca Saldaña (D-Seattle/37th Dist.) – due for a committee vote Wednesday -- includes an increase in the biennial marijuana revenue distributions to cities and counties from \$40 million to \$55.6 million.

Strongly Support

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

(Capital Budget) Lawmakers who spoke to us last week noted that they will have about \$84 million in bonding capacity – and some \$240 million overall as the ‘size of the box’ – with which to build a 2022 Supplemental Capital Budget. We do not anticipate any funding diversions or raids of dedicated outdoor recreation funds during this short Session. That said, we will be vigilant as always. One bill on the tracking list is **SB 5632** establishing a Washington Water Infrastructure Program and, among other things, appropriating a minimum of 10 percent of all bonds authorized each biennium, up to a total of \$5 billion. That level of bonding diversion, if approved, could encroach on programs throughout the Capital Budget.

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

(Capital, Transportation, Operating Budgets) Under WRPA's “healthy and sustainable communities” initiative, we support funding categories across all three (3) of the state's budgets. As I noted, the Governor's proposed Supplemental Operating Budget (**SB 5693/HB 1816**) invests \$170.56 million in public health, medical assistance, and behavioral health. We also are tuned in to transportation discussions, with the Senate and House Transportation Chairs (Sen. Marko Liias, D-Edmonds/21st Dist. and Rep. Jake Fey, D-Tacoma/27th Dist.)

are negotiating details of a possible “mini-package” that could range from \$12 to \$15 billion through the use of General Fund dollars, American Rescue Plan Act (ARPA) funds, “Climate Commitment Act” carbon-reduction funding, fee increases, and a modest level of bonding. I have met with both Chair Liias and Chair Fey during Weeks 1-2. Here is the list of programs we will track:

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

***Support legislation (HB 1700/SB 5598) to enhance funding for the Derelict Vessel Removal Program (DVRP) and make the program’s funding more sustainable**

(Policy bills/Operating Budget) Last Thursday, by a unanimous vote, the House Appropriations Committee approved **HB 1700**, Department of Natural Resources (DNR) request legislation to help reduce a derelict vessel backlog of about 295 vessels. The Senate companion, **SB 5598**, is scheduled for a vote this Thursday in the Senate Agriculture, Water, Natural Resources & Parks Committee. **HB 1700/SB 5598** would add some \$8.6 million in funding to the Derelict Vessel Removal Program (DVRP) by re-directing 25 percent of the Watercraft Excise Tax that is already paid into the General Fund. Prime sponsors of the legislation are Rep. Dave Paul (D-Oak Harbor/10th Dist.) and Sen. Liz Lovelett (D-Anacortes/40th Dist.).

Support/Oppose Items

***Efforts to Address Mental Health, Homelessness, Affordable Housing**

(Policy Bills, Budgetary Items) Our Legislative Agenda reflects our intent to support initiatives led by cities and counties, the Washington Low-Income Housing Alliance, and others, to ensure ongoing funding and tools for growing mental health, homelessness, and affordable housing crises in our local communities. An update on several we are tracking:

- **Governor’s Supplemental Operating (SB 5693/HB 1816) and Capital (SB 5651/HB 1781) Budgets:** The Governor is proposing \$815 million in additional investments related to affordable, work force, and permanent supportive housing. That includes \$494 million on the Capital side – much of it to enable “rapid rehousing” investments and boost the Housing Trust Fund. Another \$321 million is in Operating funds. I will report what the Legislature intends when the Senate and House roll out their budgets next month.
- **HB 1866, assisting persons receiving community support services through medical assistance programs to receive supportive housing:** This bill establishes the “Apple Health and Homes Program” to provide a 12-month renewable supportive housing benefit to medical assistance enrollees who meet eligibility criteria related to medical risk factors and barriers to finding stable housing. It had a hearing last Thursday in House Health Care & Wellness.
- **SB 5642/HB 1643, exempting from the Real Estate Excise Tax (REET) a sale of transfer of real property for affordable housing to a non-profit, housing authority, public corporation, county, or municipal corporation:** These companion bills by Sen. Mark Mullet (D-Issaquah/5th Dist.) and Rep. David Hackney (D-Tukwila/11th Dist.) have strong support from the housing community. **1643** had a Week 1 hearing and **5642** is up Wednesday morning in Senate Housing & Local Government.
- **SB 5861/HB 1880, providing a state sales tax credit for “Housing Benefit Districts”:** This bill would provide a state sales tax credit for four pilot jurisdictions to catalyze “Transit-Oriented Development” featuring affordable housing. The Senate bill will have a Tuesday morning hearing in Senate Housing & Local Government, with a substitute version of **HB 1880** scheduled for a Thursday vote in the House Housing, Human Services, & Veterans Committee.
- **SB 5662, using inter-governmental coordination to address the transitioning of persons encamped on state public rights-of-way to permanent housing solutions:** This Governor-request bill prime-sponsored by Senate Housing & Local Government Chair Patty Kuderer (D-Bellevue/48th

Dist.) had a Week 1 hearing. The Governor's office has circulated amendment language for a substitute bill that it hopes can lead to a vote in the committee this week.

- **Governor-request "missing middle" bills – SB 5670/HB 1782:** Yours truly was among a cast of 60+ lawmakers and stakeholders that discussed these bills for over 2½ hours last Thursday night. Of the companion bills, we believe **SB 5670** will move first. The companion bills require cities to allow duplexes, tri-plexes, four-plexes, six-plexes, etc., both within a ½ mile of major transit stops and on single-family-zoned lots across their jurisdictions. A substitute bill being developed in the House would dial back the densities (*up to four-plexes near transit, allowing duplexes throughout other single-family zones*). Cities are seeking new funding to cover planning, infrastructure, and building-incentives costs. Look for this one to be in discussion and negotiation throughout Session.
- **Bills on Accessory Dwelling Units (ADUs) – SHB 1660/SB 5648:** Last Friday morning, the House Local Government Committee approved **SHB 1660** as a work in progress, importing some of the provisions of **HB 1337** (which did not move) in the process. The amended bill now includes a prohibition on "owner occupancy" provisions in local ordinances along with directive language on what can and cannot be in those ordinances (roof heights, floor layouts, impact fee waivers, etc.). Numerous cities remain concerned with the bill. **SB 5648**, which phases out owner-occupancy provisions on ADUs, has a Tuesday morning hearing in Senate Housing & Local Government.

***"Big Tent" Outdoor Recreation Coalition**

(*Budgetary, Policy Items*) WRPA supports the "Big Tent" Outdoor Recreation Coalition, which held its first weekly policy call last Friday morning. Additionally, 7 a.m. Thursday meetings of the Legislator/Stakeholder "Outdoor Recreation Caucus" kicked off last week. Caucus co-chairs of the ORC are Sen. T'wina Nobles (D-University Place/28th Dist.), Sen. Ron Muzzall (R-North Whidbey/10th Dist.), Rep. Cindy Ryu (D-Shoreline/32nd Dist.), and Rep. Andrew Barkis (R-Olympia/2nd Dist.). The four will rotate in chairing the weekly meetings during Session.

Other Bills WRPA is Tracking

(NOTE: I'll supplement this as Session progresses. New bills are **highlighted**. If you have one to add, e-mail me at Doug@outcomesbylevy.onmicrosoft.com)

Two bills we fielded significant feedback on last week:

- **HB 1918, reducing emissions from outdoor power equipment:** This bill as written would require all new purchases of outdoor power equipment to be zero-emission beginning Jan. 1, 2025, and would place an effective 13 percent tax rate on purchases of non-zero-emission equipment in the meantime. My thanks to Pierce County Parks Director and WRPA Legislative Chair Roxanne Miles, who applauded the *good intentions* of this bill while expressing several *concerns* with the tax rate and the difficulties around implementation and availability of new technology. We are told the substitute version of **1918** will remove the 13 percent tax provision and re-orient the bill to one that directs state agencies to develop purchasing contracts for zero-emission equipment that can be in place by 2026 and which local agencies can 'piggyback' onto.
 - **SB 5673/HB 1595, installing signs on or near bridges to provide information to deter jumping and to warn individuals of the dangers of cold-water shock drowning:** Sen. John Braun (R-Centralia/20th Dist.) and Rep. Peter Abbarno (R-Chehalis/20th Dist.) brought this bill forward after a tragic cold-water shock drowning occurred in their District. The bill indicates that local agencies *may* post signage on or near bridges, and it includes language to ensure that the encouragement to post signs does not carry with it any liability exposure. The House bill had a Transportation Committee hearing in Week 1 and **5673** received a hearing in Week 2.
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- **Transportation new-revenue packages being proposed in the House and Senate – No bill numbers yet:** This one is a placeholder as we await details of a possible 2022 package.

- **SB 5332, off-road and wheeled All-Terrain Vehicles (ATVs):** This bill by Sen. Mike Padden (R-Spokane Valley/4th Dist.) is up for a hearing this afternoon in the Senate Transportation Committee. It would clarify equipment requirements for wheeled ATVs.
- **SB 5504, extending current Discover Pass free days from State Parks to all state recreation sites and lands:** This bill by Sen. Judy Warnick (R-Moses Lake/13th Dist.) passed unanimously last Thursday out of Senate Agriculture, Water, Natural Resources & Parks. It is now in Senate Rules.
- **SB 5505, HB 1967, property tax exemptions for Farmers Markets:** These bills are designed to incentivize Farmers Markets. **5505** reinstates a property tax exemption for non-profits if their property is used for Farmers Markets. **1967** establishes a property tax exemption for non-profit organizations if their property is used for a Farmers Market less than 53 days of a given year. **5505** will be heard Tuesday afternoon in Senate Ways & Means; **1967** is up Thursday in House Finance.
- **SB 5530/HB 1647, concerning the Building for the Arts program:** We support these companion bills, which would increase funding for the BFA program from \$12 million a biennium to \$18 million a biennium. The legislation also increases the state match for state-funded performing arts projects – from the current 20 percent to 33 percent. The House bill is due for a committee vote Tuesday in House Capital Budget while **5530** awaits a Thursday vote in Senate Ways & Means.
- **SB 5608, concerning free access to state parks and public lands:** Two Democrats joined nine (9) Republican Senators on this bill to repeal the Discover Pass program and replace it with a \$30.553 million transfer from the General Fund. **5332** had a Week 1 hearing in the Senate Agriculture, Natural Resources, Water, and Parks Committee. It is highly unlikely to move any further.
- **SB 5633/HB 1895, DNR-Request Keep Washington Evergreen:** We are in support of this legislation, which is up for committee votes Thursday in the Senate Agriculture, Water, Natural Resources & Parks Committee and Friday in the House Rural Development, Agriculture, and Natural Resources Committee. The bill involves identifying and mapping the state’s most threatened working forests, developing a strategic plan, and identifying existing voluntary tools and incentives that can be utilized to help preserve them.
- **SB 5865, adding recreational target shooting in designated areas to the Recreational Immunity statute:** This bill by Sen. Tim Sheldon (D-Potlatch/35th Dist.) will be heard Thursday afternoon in Senate Agriculture, Water, Natural Resources, & Parks. It adds recreational target shooting areas to the portion of state law that grants recreational immunity to private landowners who allow the public to utilize their lands free of charge for recreational pursuits.
- **SB 5925/HB 2078, establishing the outdoor school for all program: HB 1607, making changes to the Safe Routes to Schools Program:** A description of these companion bills is on Page 2 in the “revenue” category of this report.
- **E2SHB 1099, improving the state’s climate response through comprehensive planning:** On a party-line 57-41 vote, the House passed this measure over to the Senate last Friday. The legislation calls for cities and counties to integrate climate change planning into their GMA comprehensive plans. It includes a “null and void” clause stipulating that it cannot take effect without required funding. Importantly, it also has a Sec. 11(33) definition of “Active Transportation,” including trails, that we worked with the bill sponsor to include: “(33) ‘Active transportation facilities’ means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.”
- **HB 1607, concerning the Safe Routes to Schools program:** This legislation by Rep. Skyler Rude (R-Walla Walla/16th Dist.) would direct that the State General Fund (rather than the Transportation Budget) fund this popular program beginning Jan. 1, 2025. **1607** remains in Appropriations.
- **HB 1707, requiring Personal Flotation Devices (PFDs) on human-powered vessels:** This bill by House Community & Economic Development Chair Cindy Ryu (D-Shoreline/32nd Dist.) passed out of her committee last Tuesday on a party-line vote. It is narrowly tailored to require PFDs to be worn at all times a stand-up paddleboard, canoe, or kayak is underway.
- **HB 1823, environmental leadership through outdoor recreation and climate change investments:** This legislation by Rep. Mary Dye (R-Pomeroy/9th Dist.) is a central part of the “ORCA Plan” (*Outdoor Recreation & Climate Adaptation*) announced by House Republicans Pre-Session. **1823** would rename the Carbon Emission Reduction Account within the Climate Commitment Act, calling it the “Outdoor Recreation & Climate Adaptation Account.” The bill would steer \$125 million a

biennium into the new account and includes provisions beneficial to trail users, recreational boaters, and others. It does not appear likely it will receive a House Appropriations Committee hearing.

- **HB 1824, concerning outdoor recreation affordability:** Similar to **SB 5608** (*but absent the fund transfer*), this bill would repeal the Discover Pass program. **1824** has been referred to the House Community & Economic Development Committee. Chair Ryu indicated to us that she will not be giving public hearings to Discover Pass repeal bills that don't lay out a viable alternative funding plan – so we do not expect this one to move.
- **HB 1870, concerning certain wheeled ATVs:** This bill, scheduled for a hearing this afternoon in House Transportation, would define the equipment needed for an ATV to be a “qualifying Washington All-Terrain Vehicle” (WATV).
- **HB 1915, expanding the areas for use of automated traffic-safety cameras:** I am listing this Spokane-promoted bill (sponsored by Rep. Marcus Riccelli, D-Spokane/3rd Dist.) because it expands the allowable usage of the cameras to include city parks. **1915** is due for a Tuesday afternoon hearing in the House Transportation Committee.
- **HB 1918, regarding the use of zero-emission equipment:** See listing above.
- **HB 1925, county park infractions:** We are in *support* of this bill by Rep. Mike Volz (R-Spokane/6th Dist.). **1925**, which would authorize the issuance of civil infractions for violations of rules or regulations within county parks facilities, is up for a House Local Government Committee hearing this Tuesday and vote this Friday.