

**WEEK 3 REPORT ON 2021 SESSION OF THE LEGISLATURE & WEEK 4 HEARINGS  
For WRPA President, Executive Board, Executive Dir., Legislative Committee**

Doug Levy – 2/1/2021

***A pretty great “Great Outdoors Day” Preview Session with House Capital Budget leads and others – and we will do it again with Senators this morning at 8 a.m. 😊***

*Our sincere thanks to House Capital Budget Chair Steve Tharinger (D-Dungeness/24<sup>th</sup> Dist.), Ranking Member Mike Steele (R-Chelan/12<sup>th</sup> Dist.), Vice-Chairs Lisa Callan (D-Issaquah/5<sup>th</sup> Dist.) and David Hackney (D-Tukwila/11<sup>th</sup> Dist.), Outdoor Recreation Funding Roundtable Chair Cindy Ryu (D-Shoreline/32<sup>nd</sup> Dist.), and Reps. Emily Wicks (D-Everett/38<sup>th</sup> Dist.) and Alicia Rule (D-Bellingham/42<sup>nd</sup> Dist.) for joining us bright and early Friday morning and making our House of Representatives “Great Outdoors Day” preview session memorable! We will do it again with an array of State Senators this morning at 8 a.m.!*

While legislators unveiled another transportation package, continued a series of hearings on policing reform bills, and moved COVID-19 “early action” response packages closer to a final vote, there was also big news out of the Governor’s office on the pandemic.

Governor Inslee had previously required that no county could move to Phase 2 of reopening under COVID-19 unless it met a series of four public health metrics involving the 14-day trend of new cases, the 14-day rate of hospital admissions, the percentage of Intensive Care Unit (ICU) staffed beds in hospitals, and the positive rate of COVID-19 tests. Last Thursday, the Governor announced a change that will allow counties to move into Phase 2 if they are meeting and continue to meet three of the four metrics. As a result, King, Pierce, Snohomish, Grays Harbor, Pacific, Thurston, and Lewis counties are able to move into Phase 2 reopening.

The Phase 2 status takes effect on Monday (Feb. 1). It means that restaurants, fitness centers and entertainment establishments (including theaters, bowling alleys, museums) can open at 25 percent capacity, with the 25 percent capacity limit also in place for indoor activities including faith-based and religious services. The change would also allow league games and competitions for indoor and outdoor sports, a maximum of up to 75 people for outdoor entertaining, and allowances for weddings and funerals to be conducted if their venues meet certain regulations. To see a fuller write-up of the Governor’s announcement, the metrics, etc., click here:

[Inslee announces metric changes to Healthy Washington — Roadmap to Recovery | by WA Governor’s Office | Washington State Governor’s Office | Jan, 2021 | Medium](#)

Week 3 was another productive one for us at WRPA. Our local options funding bill passed unanimously out of a Senate Committee, a priority “Parks Rx” bill has been scheduled for public hearing, numerous organizations have signed on to a \$200,000 multi-modal trails database funding request, and the first ‘preview’ event for this Session’s virtual “Great Outdoors Day” was a successful one!

Below is an overview of where we stand on WRPA’s 2021 Legislative Agenda priorities. I also have provided a rundown of other bills impacting local parks and recreation and/or outdoor recreation. A Week 4 hearings list is attached separately, with recommendations on where to testify, sign in, or simply monitor. I’ve color-coded it to show you where I recommend support (green highlight), some caution or concern (yellow highlight), or simply a need to track and monitor legislation (blue highlight).

## 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 – SB 5006/HB 1025**

*(Policy/Fiscal Bill)* Last Thursday, the Senate Housing and Local Government Committee unanimously approved **SB 5006** and sent it to the Senate Ways & Means Committee. The companion House bill, **HB 1025**, remains pending before the House Finance Committees. I want to deliver a shout-out to our House prime sponsor, Rep. Emily Wicks (D-Everett/38<sup>th</sup> Dist.) for appearing on our “Great Outdoors Day” preview event last Friday to tout the bill!

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

*(Operating Budget)* While the Senate and House are moving quickly on “early action” proposals to move federal COVID relief pass-through dollars out the door quickly, revenue relief for general governments is much more of a challenge. There are Tax Increment Financing (TIF) and housing bills that offer the possibility of flexibility above the 1 percent property tax cap, carbon fee and “cap and invest” bills, and of course the transportation new-revenue proposals with multi-modal funding, but nothing targeted specifically for local parks & recreation needs. We will continue to keep our eye out for possibilities.

### **\*Actively promote a 2021-2023 Capital Budget with robust funding levels for key grant programs that significantly benefit parks and recreation and the Great Outdoors**

*(Capital Budget)* It was extremely encouraging to hear House Capital Budget leaders, on a bi-partisan basis, underscore their strong support during Friday’s Zoom event for a robust level of investment in key outdoor recreation grant programs used by local parks agencies, especially the Washington Wildlife & Recreation Program (WWRP), the Youth Athletic Facilities program (YAF), and the Aquatic Lands Enhancement Account (ALEA). We appreciate the \$100 million, \$11.2 million, and \$9.1 million allocations in the Governor’s Budget, which funds virtually all of the YAF and ALEA lists. We join the WWRC in asking for consideration of a \$140 million investment in WWRP. While House leaders at Friday’s event described the \$140 million WWRP goal as “rich” and a heavy lift, they did vow to keep funding levels as high as possible.

### **\*Protecting Property Tax-Based Parks Districts and MPDs from “Pro-Rationing” – HB 1034**

*(Policy Bill)* Last Thursday, by a vote of 10-5 and with one Committee Member voting “without recommendation,” the House Finance Committee approved WRPA-supported **HB 1034** and sent it to the House Rules Committee. This legislation prime-sponsored by Rep. Joe Fitzgibbon (D-Burien/34<sup>th</sup> Dist.) is designed to prevent the ‘pro-rationing’ of the Vashon Parks District by removing their property tax allocation from the \$5.90 limit and shifting it to a 50-cent ‘gap’ part of the property tax. I fielded questions as to whether a) this bill could help *all* Park Districts and b) whether it applies to Metropolitan Park Districts (MPDs). House Finance Committee staff indicated **1034** could *potentially* assist other Park Districts and that Metro Parks districts are not included in the bill because they are “already in the 50 cent gap (just ahead of where Parks and Rec districts gets placed in the proration order under HB 1034).”

### **\*Protect Funding for Dedicated Accounts within the Capital Budget**

*(Capital Budget)* I have reported that the Governor’s proposed 2021-23 Capital Budget does a good job of maintaining and funding dedicated outdoor recreation accounts. I also reported that in the 2021-23 *Operating Budget*, in Sec. 961, representatives of All-Terrain Vehicle (ATV) and motorcycle associations are very concerned that Non-Highway Off Road Vehicle Account (NOVA) monies are being improperly diverted to the state Department of Natural Resources (DNR). DNR has emphasized the provision in the budget do

nothing more than codify what already exists. The Governor's Office has scheduled a meeting this week to further clarify the Section 961 language – I will be in attendance.

**\*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 work to support the following types of funding (see list below). Please note that a) in the Governor's proposed Operating Budget (**SB 5092/HB 1094**), an additional \$500,000 is allocated to the No Child Left Inside program run by State Parks; b) efforts to more sustainably fund public health are underway through both **SB 5149** and **SB 5371**. Additionally, see the Transportation package entry further down this report which identifies proposed levels of funding for key programs in the Transportation Budget.

- *Public Health District funding -- Operating Budget;*
- *Bicycle and Pedestrian Grant, Safe Routes to Schools, “Complete Streets” and fuel-tax-distribution funding in the Transportation Budget;*
- *“No Child Left Inside” within the Operating 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 Promoting Parks and Wellness Connections with Public Health – SB 5292**

*(Policy Bill)* On Friday at 8 a.m., the Senate Health & Long-Term Care Committee will hold a hearing on **SB 5292**, the “Parks Rx” bill prime-sponsored by newly-elected Sen. T'wina Nobles (D-University Place/28<sup>th</sup> Dist.). **5292** seeks to parallel the wellness program and health insurance incentives used by the private sector – in this case through the prescribed use of public parks, spaces, trails, and facilities. The legislation does not mandate what a Parks Rx program should look like, rather that a collaboration occur among representatives of local parks, public and community health, health care providers, and insurance sector folks to design three pilot projects around the state. We're appreciative of early support for this initiative from REI, cities, Washington State Parks, and others. This afternoon, we and Metro Parks Tacoma are hosting a stakeholder outreach meeting to talk more about the Parks Rx concept and **SB 5292** and to hear input on the bill.

### Support/Oppose Items

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

*(Policy Bills, Budgetary Items)* Our Legislative Agenda notes that WRPA will support efforts led by cities and counties, the Low-Income Housing Alliance, and others, to ensure the Legislature continues to provide funding and tools for local governments to address growing mental health, homelessness, and affordable housing crises in their communities. Here are a number of bills we are tracking in this space, where there's no shortage of legislation and ideas:

- **HB 1277/SB 5279, providing an additional revenue source for eviction prevention and housing stability:** This legislation adding a \$100 surcharge to document recording fees passed out of the House Housing, Human Services and Veterans Committee last Friday on a 6-3 party-line vote. paid on various housing and real estate transactions. The *extent* of the increase may be a challenge to enact, but on the other hand, the fiscal impact note on **1277** shows it could raise \$292 million a biennium for rent relief and other assistance to lower-income individuals.
- **HB 1182/SB 5209**, setting up an effort to plan how to best use federal dollars for the new “988” crisis-response call line to be established in states such as ours. These bills sponsored by Rep. Tina Orwall (D-Des Moines/33<sup>rd</sup> Dist.) and Sen. Manka Dhingra (D-Redmond/45<sup>th</sup> Dist.) have had hearings. **1182** is up for a Wednesday vote in the House Health Care & Wellness Committee.
- **HB 1157 and SB 5269, increasing housing through density incentives:** New State Rep. Jessica Bateman (D-Olympia/22<sup>nd</sup> Dist.) and Sen. Mona Das (D-Kent/47<sup>th</sup> Dist.) are the prime sponsors of these bills which have had hearings in the House Local Government and Senate Housing & Local Government Committees, respectively. **1157** mandates that local governments plan for all “missing

middle” housing types and meet a net six (6) dwelling unit per acre density threshold. Its incentives include authority to designate one or more Real Estate Excise Tax (REET) density incentive zones. **5269** offers a way for local governments to exceed the 1 percent property tax limit for up to three years if they allow all types of ‘missing middle’ housing in all single-family zones and on all lots.

- **SHB 1070, providing updated and expanded authority for the ‘HB 1590’ 1/10<sup>th</sup> of 1 cent sales tax enacted in 2020:** This bill by Rep. Cindy Ryu (D-Shoreline/32<sup>nd</sup> Dist.) passed out of the House Finance Committee last Thursday on a 10-5 vote, with one Member voting “without recommendation.” Amendments in Committee would require counties acquiring properties under the ‘1590’ statute to engage in prior consultation with cities, and to ensure that any facility placed in a city reserves at least 15 percent of its rooms for those who reside or experience homelessness in that given city. A third amendment allows ‘1590’ dollars to be used for acquisition of lands for future affordable housing.
- **HB 1220, supporting emergency shelters and housing through local planning and development regulations:** This bill, requiring that local government GMA plans include ways to accommodate low, very low, and extremely low-income housing, remains pending in the House Local Government Committee after being heard last Wednesday.

#### **\*“Big Tent” Outdoor Recreation Coalition**

*(Budgetary, Policy Items)* WRPA supports the continued work of the “Big Tent” Outdoor Recreation Coalition, which is holding weekly policy calls during the 2021 Session. Additionally, we are part of the group that attends weekly meetings of the Outdoor Recreation Caucus (ORC). We plan to present on our multi-modal trails database request (see immediately below) at a future meeting.

#### **\*Statewide Trail Plan – Multi-Modal Trails Database**

*(Capital Budget)* We thank Sen. Judy Warnick (R-Moses Lake/13<sup>th</sup> Dist.) and Reps. Sharon Shewmake (D-Bellingham/42<sup>nd</sup> Dist.) and Alex Ramel (D-Bellingham/40<sup>th</sup> Dist.) for submitting \$200,000 requests for the Capital Budget towards establishing and maintaining a statewide multi-modal trails database. House Capital Budget leaders reacted positively to this initiative during our Great Outdoors Day preview event last Friday, and we have nearly completed a 1-page sign-on letter that will demonstrate support from Washington Bikes, Washington State Trails Association, the Washington Trails Association, the Trust for Public Land, the Leafline Coalition, the Palouse to Cascades Trail Coalition, ForEvergreen Trails, and more!

#### Other Bills WRPA is Tracking (Bills/Items Newly Added This Week in **Yellow**)

*(NOTE: If you have bills you think we should add, or questions on particular bills impacting local parks and recreation, e-mail me: [Doug@outcomesbylevy.onmicrosoft.com](mailto:Doug@outcomesbylevy.onmicrosoft.com))*

#### **Transportation new-revenue packages now unveiled in both House and Senate – No bill numbers yet:**

Last Wednesday, Senate Transportation Committee Chairman Steve Hobbs (D-Lake Stevens/44<sup>th</sup> Dist.) released a revised 2021 version of “Forward Washington.” We are still awaiting bill numbers and more detail, but I have linked **below** the balance sheet and spending summary as well as a list of 38 funded projects. I have also re-linked the handout the House provided with the release of its revenue package. I had reported that within the House package, \$8.25 billion would be dedicated to multi-modal and carbon-reduction investments – and I had listed funding allocation levels for several programs of interest to us. Where applicable, I have listed the comparable Senate figure in parentheses: \$318 million for bicycle and pedestrian grants (\$200M); \$290 million for the Safe Routes to Schools Program (\$100M); \$267 million for designated bicycle/pedestrian projects (N/A); \$59 million for the Complete Streets program (\$100M). Other comparisons of the two packages are on the following page:

- ✓ **Size of package:** A total of \$18.26 to \$19.16 billion in overall revenue – spending ranges from \$15.7 billion to \$15.85 billion after bonding of the package. House package is \$26 billion+;
- ✓ **Bonding?** The Senate package more traditionally relies in part on bond proceeds – a range of \$2.4 billion to \$3.5 billion depending which of two options is selected for the package. The House package at this point does not include any bonding;
- ✓ **Fuel tax:** The Senate proposes a 6-cent increase in the gas tax. The House package would increase gas taxes a total of 18 cents and index gas prices beginning in the third year of the package;
- ✓ **Carbon tax or fee?** Both packages include significant funding from a carbon fee on transportation-related fuels – the Senate also contemplates the option of a “cap and invest” revenue method;
- ✓ **Projects?** The Senate lists out 38 highway projects. The House package at this point only called out one project (I-5 Columbia River Bridge replacement) with the rest to be determined;
- ✓ **Direct Distribution?** The Senate package would allocate \$375 million over 16 years to cities and counties for direct distribution payments of gas tax proceeds. The House package does not include direct distribution but would devote significant investments to local maintenance and preservation to be granted through the Transportation Investment Board (TIB) and County Road Administration Board (CRAB).
- ✓ **Local transportation funding options for cities/counties?** We are fairly sure this will be included in the House package when bills are formally introduced. We are less clear on the Senate.

[2021-23 Biennium Senate Transportation Budget -- Senator Hobbs New Law Balance Sheet \(wa.gov\)](#)

[2021-23 Biennium Senate Transportation Budget -- Senator Hobbs New Law Revenue Summary \(wa.gov\)](#)

[2021-23 Biennium Senate Transportation Budget -- LEAP Document 2021 NL-1 Forward Washington Project List](#)

[House Democrats Proposed Transportation Revenue Package \(wa.gov\)](#)

- **SB 5016, all-terrain vehicles:** This bill by Sen. Judy Warnick (R-Moses Lake/13<sup>th</sup> Dist.) allows a wheeled all-terrain vehicle (WATV) to also be registered and used as a snowmobile like vehicle defined as a tracked all-terrain vehicle. **5016** is scheduled for a Tuesday Committee vote in the Senate Transportation Committee.
- **SSB 5052, creation of “health equity zones”:** The WRPA has reviewed and decided to *support* this legislation sponsored by Sen. Karen Keiser (D-Des Moines/33<sup>rd</sup> Dist.). **5052** passed out of the Senate Health and Long-Term Care Committee last Wednesday on a 7-4 vote, with several changes. Revisions to the bill allow communities to self-identify health equity zones, for funding to be in place before the zones are developed, and for tribal communities to be added as partners who those promoting the zones must work with. This bill now goes to the Ways & Means Committee.
- **SB 5056, wilderness therapy programs:** Sen. Jesse Salomon (D-Shoreline/32<sup>nd</sup> Dist.) is sponsoring this legislation. It had been scheduled for a Committee vote last Wednesday in the Senate Health and Long-Term Care Committee. However, the Committee did not take action to move the bill. Sen. Salomon’s bill requires the Department of Health to create a business license for “wilderness therapy” programs, provides parameters for what constitutes such a program, and directs a rulemaking to be completed by Dec. 31, 2022.
- **SB 5107, addressing homelessness:** It appears likely that this bill by Senate Housing & Local Government Committee Ranking Member Phil Fortunato (R-31<sup>st</sup> Dist.) is getting what in Olympia is referred to as a “courtesy hearing.” That hearing will be Wednesday morning. **5107** contains both a requirement that every city with a population of 50,000 or more have at least one emergency shelter, and provisions that add penalties for unauthorized camping on public property.
- **SB 5110, modifying permitting telecommunications facilities:** Numerous local governments and municipal utilities oppose this bill by Sen. Doug Ericksen (R-Ferndale/42<sup>nd</sup> Dist.). It remains pending in the Senate Environment, Energy & Technology Committee. Along with broadening the categorical exemption for wireless facilities, it would require a city or town to act upon a complete application within 60 days rather than the current-law 120 days.
- **SB 5149/HB 1201, Funding Foundational Public Health Services:** Sen. June Robinson (D-Everett/38<sup>th</sup> Dist.) and Rep. Marcus Riccelli (D-Spokane/3<sup>rd</sup> Dist.) are the prime sponsors of this

Governor-request legislation, which would impose a \$3.25/month assessment on health insurance carriers for all “covered lives.” The legislation indicates \$143 million from the assessment should be used toward foundational public health in 2024 and \$200 million in 2025. We signed in *support* of this bill last Wednesday in the Senate Health and Long-Term Care Committee. However, it is facing intense opposition.

- **SB 5159, Payments in Lieu of Property Taxes (PILT) by the Department of Fish and Wildlife:** Sen. Warnick is the sponsor of this year’s version of the PILT bill, which passed out of the Senate Agriculture, Natural Resources, Water and Parks Committee last Thursday by a vote of 6-1. Under the bill, the state treasurer, on behalf of WDFW, must distribute PILT to counties by April 30 of each year on game lands.
  - **PSSB 5176, HB 1018 – Boating safety:** The House version of this legislation remains pending in the House Community & Economic Development Committee after facing strong opposition. The Senate bill had been scheduled for a hearing last Thursday in the Senate Agriculture, Natural Resources, Water and Parks Committee. However, the Committee Chair and prime sponsor, Sen. Kevin Van De Wege (D-Sequm/24<sup>th</sup> Dist.), announced he would not be hearing or moving the legislation but rather sharing his language ideas with the House. These bills attempt to require human-powered vessel operators to obtain a boater education card (**1018**) or a certificate (**PSSB 5176**). Both bills are adamantly opposed by the paddle craft community, whose members are probably more inclined to support mandatory Personal Flotation Device (PFD) wear requirements than this type of approach.
  - **SB 5332, clarifying equipment requirements for wheeled all-terrain vehicles (WATVs):** This bill is prime-sponsored by Sen. Mike Padden (R-Spokane Valley/4<sup>th</sup> Dist.) and will be heard this afternoon in Senate Transportation. The bill clarifies the equipment requirements for WATVs both for public road usage and off-road usage.
  - **SB 5371, funding public health services through a statewide sweetened beverage tax:** This measure by Sen. June Robinson (D-Everett/38<sup>th</sup> Dist.) awaits a hearing in the Senate Health & Long-Term Care Committee. It would impose a tax rate of \$0.0175 per fluid ounce to begin with and, beginning July 1, 2022, and every July thereafter, it would increase the amount by the average Consumer Price Index (CPI). Of the revenue generated, 60 percent would go into a “health equity account” created under the bill and the other 40 percent to “Foundational Public Health.”
  - **HB 1039, bicycle and pedestrian travel:** This bill by Rep. Bob McCaslin (R-Spokane Valley/4<sup>th</sup> Dist.) is scheduled for a Thursday hearing in House Transportation. The legislative intent behind **1039** is to have state agencies report on and update their educational and safety programs for bicycle and pedestrian travel so that more students can acquire safety skills. However, there is also a provision which allows the Safe Routes to Schools program to award funding not just to cities and counties but potentially to school districts as well. I’m checking with the WSDOT Highways & Local Programs Division to learn more about how this bill could impact cities and counties.
  - **HB 1057, clean air enjoyment:** Rep. Gerry Pollet (D-Seattle/46<sup>th</sup> Dist.) is the prime sponsor of this bill heard on the second day of the Session. It remains pending in the House Environment & Energy Committee. The legislation modifies Clean Air Act definitions of “air pollutant” and adds the term “enjoyment of life and property” to allow individuals whose trip to a public park, public recreational facility, or trail to register complaints with regional clean air agencies regarding properties that emit significant odors. WRPA’s Legislative Committee reviewed this bill and decided the Association will take a neutral stand on **1057**.
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- **SHB 1059, fireworks prohibitions:** This legislation sponsored by Rep. Joe Fitzgibbon (D-Burien/34<sup>th</sup> Dist.) passed out of the House Local Government Committee on Friday. The underlying bill would enable ordinances enacting a ban on consumer use of fireworks to take effect immediately. The amended version allows the bans to take effect immediately only when doing so is necessitated by environmental conditions and other burning prohibitions are in place.
  - **HB 1117, integrating salmon recovery into GMA comprehensive planning:** This legislation by Rep. Debra Lekanoff (D-40<sup>th</sup> Dist.) is up for a House Environment & Energy Committee vote Tuesday morning. It asks local governments to do more to integrate salmon recovery planning into our comprehensive plans. Rep. Lekanoff has inserted a section into her bill to ensure that the legislation will not move forward unless specific funding is appropriated to implement it. I have heard from some of you that this bill may be worthy of WRPA support.

- **HB 1251, wheeled ATVs on state highways:** Rep. Ed Orcutt (R-Kalama/20<sup>th</sup> Dist.) is sponsoring this bill, which is scheduled for a Tuesday afternoon vote in the House Transportation Committee. **1251** expands the locations where a person may potentially operate a wheeled all-terrain vehicle on state highways to unincorporated areas with a posted speed limit of 35 miles per hour or less. It also makes the operation of a wheeled all-terrain vehicle on unincorporated stretches of state highways contingent upon the passage of an ordinance approving their operation by the legislative authority of the county in which the state highway segment is located.
- **HB 1322, off-road vehicle enforcement:** Rep. Sharon Wylie (D-Vancouver/49<sup>th</sup> Dist.), a vice-chair of the House Transportation Committee, is prime-sponsoring this legislation. **1322** will be heard this afternoon in House Transportation. It is designed to close an exemption loophole provided to off-road vehicles owned by residents of Oregon.
- **HB 1330, electric bicycles/sales tax:** Rep. Sharon Shewmake (D-Bellingham/42<sup>nd</sup> Dist.), is the prime sponsor of this bill, which still awaits a hearing in the House Finance Committee. **1330** would provide a sales tax exemption on the purchase of new electric bikes and up to \$200 in related cycling equipment.
- **HB 1331, impact fees for early learning centers:** This bill by newly-elected Rep. Kirsten Harris-Talley (D-Seattle/37<sup>th</sup> Dist.) will be heard Tuesday in the House Local Government Committee. I am listing it because it authorizes cities and counties to waive impact fees (*including park impact fees*) for early learning facilities. It also stipulates that the impact fees for early learning facilities shall not exceed impact fee assessments for comparably sized commercial and retail facilities.