

WEEK 3 REPORT ON 2022 SESSION OF THE LEGISLATURE & WEEK 4 HEARINGS
For WRPA President, Executive Board, Executive Director, Legislative Committee

Doug Levy – 1/31/2022

It was an action-packed Week 3 in the Legislature: Committee cutoff deadlines marched ever closer; lawmakers heard the Governor pitch his own truthfulness in elections bill; and the Governor signed into law two bills designed to reform the state's long-term care trust.

It is uncommon these days for legislators to hear direct testimony from their Governor on a "Governor-request bill" – yet that's exactly what happened last Friday in the Senate State Government & Elections Committee. Governor Inslee himself testified in support of **Senate Bill 5843**, which prohibits candidates or elected officials from knowingly, recklessly, or maliciously making false statements regarding the election process or election results. The Governor's bill has touched off a robust debate over elections integrity on the one hand vs. free speech rights on the other.

Just a day before his testimony, the Governor signed into law two bills fast-tracked by the Legislature to trigger changes to a long-term care trust law that has sparked considerable controversy. **SHB 1732** delays the implementation of the long-term services and supports trust program by 18 months, while **ESHB 1733** provides several new exemptions from the payment of premiums under the program – granting them, among others, to certain veterans; to spouses and domestic partners of military service members; and to those who work in Washington but maintain primary residence in another state.

While **SHB 1732** and **ESHB 1733** practically sprinted through their committees, the deliberative process is much more challenging for hundreds of other bills. This week and the beginning of next will be a make-or-break time for lawmakers and stakeholders promoting their priority legislation, with Thursday (Feb. 3) as the cutoff deadline for bills to clear policy committees and the following Monday (Feb. 7) as the go/no-go date for bills needing to clear fiscal committees.

We at WRPA will look back on Week 3 as a very productive one. Our priority local parks funding options bill (**SHB 1025**) passed out of the House Finance Committee, a derelict vessel funding bill we support is on the move, and several affordable housing bills are advancing as well.

Below is an overview of where we stand on WRPA's 2022 Legislative Agenda priorities. I also am providing my usual bullet-listed rundown of other bills impacting local parks and recreation and/or outdoor recreation (*let me know if you have any bills we should add 😊*). A Week 4 hearings list is attached separately, with recommendations on whether we should 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 – SHB 1025**

(Policy/Fiscal Bill) Last Thursday, by a vote of 11-6, the House Finance Committee approved an amended version of **House Bill 1025** prime-sponsored by Rep. Emily Wicks (D-Everett/38th Dist.) and co-sponsored by Rep. Carolyn Eslick (R-Sultan/39th Dist.). This is important progress for our priority legislation! Next up is advancing the bill out of the House Rules Committee to the Floor Calendar. The Finance Committee approved an amendment that we worked on with Rep. Wicks, House Finance Vice-Chair April Berg (D-Mill Creek/44th Dist.), and others. It adds 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. The adopted amendment is here: [239453 \(wa.gov\)](https://leg.wa.gov/bills/2022/239453)

***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. 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 will use a Task Force to advise the agency on use of the funds and has consulted WRPA on naming a local parks professional to participate.

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

(Operating Budget) Our local parks funding options bill will be the most direct “vehicle” we have for addressing M&O revenue losses suffered by parks agencies. There will be several other bills designed to put new funding or authority into the hands of local agencies or outdoor recreation purposes, including:

- A \$15 million Operating Budget request by Rep. Cindy Ryu (D-Shoreline/32nd Dist.), Sen. T’wina Nobles (D-University Place/28th Dist.) and others – consisting of \$5 million apiece for addressing M&O backlogs at State Parks, Department of Natural Resources, and Department of Fish & Wildlife.
- A proposed \$52 million allocation to significantly expand outdoor education programs within the K-12 schools system – some of which involve partnerships with our local parks agencies.
- **HB 1672** on Conservation Futures levies which remains pending in House Finance. It would remove 1 percent property tax limits for 13 counties that have adopted Conservation Futures programs.
- **SSB 5796** by Sen. Rebecca Saldaña (D-Seattle/37th Dist.) – approved last Wednesday by the Senate Labor, Commerce & Tribal Affairs Committee and sent to Ways & Means. **SSB 5796** 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) I spoke at length last Friday with Rep. Lisa Callan (D-Issaquah/5th Dist.), a Vice-Chair of the House Capital Budget Committee and one of the Democratic negotiators on the budget. She indicated the demands for new funding and requests for new projects are outstripping available revenues by a 10:1 ratio, but she does not envision any major diversions of Capital funds. More likely is for the Capital Budget to *receive* a transfer of General Fund dollars – most likely for affordable housing investments. Still, we will stay vigilant as we always do! One bill we are tracking 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 is a concern. **5632** remains pending in the Senate Agriculture, Water, Natural Resources & Parks Committee.

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

(Capital, Transportation, Operating Budgets) WRPA’s “healthy and sustainable communities” initiative has us supporting funding ‘buckets’ across all three (3) of the state’s budgets. As I previously reported, the Governor’s proposed Supplemental Operating Budget (**SB 5693/HB 1816**) invests \$170.56 million in public health, medical assistance, and behavioral health. We also are closely tracking discussions regarding a 2022 transportation revenue package in the range of \$12 to \$15 billion over 15 years. I will be part of Monday

meetings with the Senate and House Transportation Chairs (Sen. Marko Liias, D-Edmonds/21st Dist. and Rep. Jake Fey, D-Tacoma/27th Dist.). Along with those items, here are others 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) The guessing game regarding this legislation is transitioning from *whether* it will pass to *which bill* will pass. Last Thursday, by a unanimous vote, the Senate Agriculture, Water, Natural Resources & Parks Committee approved **SB 5598**. A day later, the House unanimously approved **HB 1700** on a 94-0 vote and sent it to the Senate. **HB 1700/SB 5598** would add up to \$8.6 million in funding to the Derelict Vessel Removal Program (DVRP) by re-directing 25 percent of the Watercraft Excise Tax that is already paid into the General Fund. 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 expresses support for initiatives by cities and counties, the Washington Low-Income Housing Alliance, and others, toward ongoing funding and tools for growing mental health, homelessness, and affordable housing crises in local communities. Several bills we're tracking:

- **Governor's Supplemental Operating (SB 5693/HB 1816) and Capital (SB 5651/HB 1781) Budgets:** The Governor is proposing \$815 million in additional investments related to affordable, work force, and permanent supportive housing. Of that, \$494 million is on the Capital Budget side – much of it to enable "rapid rehousing" investments and increase the Housing Trust Fund. The other \$321 million is in Operating funds. I will have more when the Senate/House roll out Operating 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 is due for a committee vote Wednesday 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** is up this morning (Monday) for a House Finance committee vote.
- **PSSB 5662, establishing inter-governmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions:** A Wednesday committee vote is expected in Senate Housing & Local Government on this Governor-request legislation. Proposed amendment language is designed to ensure advocates that the legislation won't just result in 'sweeping' those experiencing homelessness from encampments.
- **SB 5861/HB 1880, providing a state sales tax credit for "Housing Benefit Districts":** Last Thursday, on a 5-3 party-line vote, the House Housing, Human Services & Veterans Committee approved an amended version of **HB 1880**, providing a state sales tax credit to enable four (4) cities to make land acquisitions or other infrastructure investments to catalyze Transit-Oriented Development (TOD) and affordable housing projects. **SB 5861** remains pending in the Senate Housing & Local Government Committee.

- **Governor-request “missing middle” bills – SSB 5670/HB 1782:** Last Thursday, an amended version of **SB 5670** cleared Senate Housing & Local Government and moved to senate Ways & Means. An amended version of **HB 1782** may be voted on this week in House Local Government. 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. The substitute bills dial back the densities slightly (*up to four-plexes near transit, allowing tri-plexes or duplexes throughout other single-family zones*). Cities are seeking new funding to cover planning, infrastructure, and building-incentives costs. This one will evolve throughout Session.
- **Bills on Accessory Dwelling Units (ADUs) – SHB 1660/SB 5648:** **SHB 1660** is in the House Rules Committee while **SB 5648** remains in the Senate Housing & Local Government Committee. The amended House bill includes prohibition on “owner occupancy” provisions in local ordinances, as well as a prohibition on requiring off-street parking if an ADU is in close proximity to major transit stops. The Association of Washington Cities (AWC) and numerous individual cities remain concerned with the bill. **SB 5648** focuses more narrowly on phasing out owner-occupancy provisions on ADUs.

*“Big Tent” Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA supports the “Big Tent” Outdoor Recreation Coalition, which formally approved its 2022 Legislative Agenda (a bit late 😊) last Friday morning. We are participating in Friday morning calls of the Big Tent as well as 7 a.m. Thursday meetings of the Legislator/Stakeholder “Outdoor Recreation Caucus” co-chaired by Sen. T’wina Nobles (D-University Place/28th Dist.), Sen. Ron Muzzall (R-North Whidbey/10th Dist.), Rep. Cindy Ryu (D-Shoreline/32nd Dist.), and Rep. Andrew Barkis (R-Olympia/2nd Dist.). These meetings are open to anyone who is interested – if you are up for the early morning conversation, let me know and I can forward the Zoom link to you!

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:

- **SHB 1918, reducing emissions from outdoor power equipment:** This bill cleared the House State Government & Tribal Relations Committee last Wednesday on a narrow 4-3 vote and with amendments. It would impact public works, parks departments, and municipal golf courses that make regular use of mowers, blowers, chippers, etc. **SHB 1918** removes a doubling of tax rates that would have been imposed on purchases of non-zero-emission equipment. The revised bill also directs the Department of Enterprise Services (DES) to work on structuring state-and-local contracts to expedite future equipment purchases of zero-emission equipment where technology is available. The bill still calls for a Jan. 1, 2025, date by which new purchases of equipment would be zero-emission, with some exemptions. I encourage folks to review the amended language, which is here (“effects” statement is on Page 5): [1918 AMH SGOV ZOLL 174 \(wa.gov\)](https://www.wa.gov/bills/2022/1918)
 - **SSB 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:** The Senate Transportation Committee unanimously approved an amended version of this bill last Thursday and sent it to Senate Rules. The legislation was brought forward by Members in Lewis County in response to a tragic cold-water shock drowning that occurred there. The bill indicates that local agencies *may* post signage on or near bridges, and the amendment (see link) includes more explicit language to ensure that the encouragement carries no “legal duty” for local governments. [239427 \(wa.gov\)](https://www.wa.gov/bills/2022/5673)
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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.) had a hearing last Monday 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 off the Senate Floor last Friday (43-0 vote). It now goes to the House.
- **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** passed unanimously last Thursday out of Senate Ways & Means and is now in Senate Rules. **HB 1967** had a hearing last Thursday and remains 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 and increase the state match from 20 percent to one-third. The House bill moved out of Capital Budget last Tuesday with only one vote, while the Senate measure passed unanimously out of Ways & Means two days later. Both are in their respective Rules Committees.
- **SB 5608, concerning free access to state parks and public lands:** Forward movement is highly unlikely for 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.
- **SB 5633/HB 1895, DNR-Request Keep Washington Evergreen:** The Senate bill may be the “vehicle” for this legislation, which we *support*. **SB 5633** is set for a Thursday vote in the Senate Agriculture, Water, Natural Resources & Parks Committee. The House bill had been scheduled for a vote in the House Rural Development, Agriculture, and Natural Resources Committee last Friday. However, the committee did not take the bill up for a vote. The companion bills call for identifying and mapping the state’s most threatened working forests, developing a strategic plan, and identifying existing voluntary tools and incentives that can be utilized to help preserve them.
- **SB 5865, adding recreational target shooting in designated areas to the Recreational Immunity statute:** This bill by Sen. Tim Sheldon (D-Potlatch/35th Dist.) had a hearing last 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:** These bills would utilize the \$52 million allocation proposed in the Governor’s Operating Budget. Both had hearings last week. **HB 2078** is set for either a Tuesday or Thursday committee vote in House Education.
- **E2SHB 1099, improving the state’s climate response through comprehensive planning:** After passing the House on a party-line vote, this bill will get a Tuesday morning hearing in the Senate Housing & Local Government Committee. *We support 1099*, which calls for cities and counties to integrate climate change planning into their GMA comprehensive plans. Cities and counties worked hard to ensure this bill contains what is called a “null and void” clause so it cannot take effect without required funding. **1099** also has a Sec. 11(33) definition of “Active Transportation,” including trails, that we worked with the bill sponsor to include: *“(33) ‘Active transportation facilities’ means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.”*
- **HB 1607, concerning the Safe Routes to Schools program:** This legislation directs that the State General Fund (*rather than the Transportation Budget*) fund this popular program beginning Jan. 1, 2025. **1607** remains in Appropriations.
- **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.) advanced from House Rules to the House Floor Calendar last Tuesday. It awaits a Floor vote. **HB 1707** is narrowly crafted to require that Personal Flotation Devices (PFDs) 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 would rename the Carbon Emission Reduction Account within the Climate Commitment Act, calling it the “Outdoor Recreation & Climate Adaptation Account.” It also would re-direct \$125 million a biennium into the new account and includes provisions beneficial to trail users, recreational boaters, and others. It is highly unlikely this bill will move.
- **HB 1824, concerning outdoor recreation affordability:** This bill is similar to **SB 5608** (*but without the proposed General Fund transfer*). It would repeal the Discover Pass program. **1824** remains in the House Community & Economic Development Committee and is highly unlikely to advance.
- **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:** This Spokane-promoted bill expands the allowable usage speed zone cameras to include city parks. It remains pending in the House Transportation Committee.
- **HB 1918, regarding the use of zero-emission power equipment:** See listing above.
- **HB 1925, county park infractions:** We are in *support* of this bill authorizing the issuance of civil infractions for violations of rules or regulations within county parks facilities. **HB 1925** had been scheduled for a House Local Government Committee vote last Friday. However, none was taken.
- **HB 2058, concerning the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places:** This bill prime-sponsored by Rep. Steve Tharinger (D-Dungeness/24th Dist.) is up for a Thursday morning hearing in House Finance. It would exempt State Parks facilities on the National Historic Register from being subject to leasehold excise taxes. Because this bill is consistent with our desire to support State Parks where we can, and because it is sponsored by the House Capital Budget Chair (!), I am recommending we sign in *support*.