

**WEEK 4 REPORT ON 2020 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 2/9/2020

Parks and Great Outdoors Day – Thank You! *An offshoot of the old Woody Allen quote is that “90% of success is just showing up.” You showed up in spades last Thursday in Olympia, making your voices and the cause of local parks and recreation heard during Parks and Great Outdoors Day! WRPA Executive Director Tiffany Hanzo told me we had about 100 registrations for the day in the State Capital – several times more than a few years ago, when we fretted over low turnouts. I felt your energy for the 8 a.m. training at the Woman’s Club of Olympia; I was bowled over by your attendance at the noon-hour lunch briefing; and I was truly impressed by how many of you roamed the hallways of the legislative building. I have little doubt that your enthusiasm and passion led us to a great day, which also included a successful House Finance hearing on our local parks funding options bill (SHB 2625) and a cap-off-the-evening reception at the Governor’s Mansion sponsored by the Washington Wildlife & Recreation Coalition. Even when House Floor action kept several of our lunchtime speakers from coming to the House Rules Room (we thank Sens. Judy Warnick, R-Moses Lake; and Mark Mullet, D-Issaquah; for their time and their comments), you shook it off and kept rolling along. Thank you everyone!*

In a week filled with a tense House Floor debate over B&O taxes for higher education, and a back-and-forth argument in Superior Court over Initiative 976, the Legislature plowed through its first cutoff deadline and closed in on the halfway point of the 2020 Session.

The tense House Floor debate centered on **Engrossed Substitute Senate Bill 6492**, which will re-rack the way the state imposes a special B&O surcharge tax to pay for higher and workforce education. While the 2019 bill that first established the B&O tax surcharge was passed hastily down the backstretch of the 2019 Session, it was hailed as landmark legislation that would provide every working-class and poor family a pathway toward higher education. But the financials around the legislation didn’t quite work out, leading lawmakers to craft **ESSB 6492** and change the main B&O tax surcharge from a .018 percent tax on most service businesses to a .0175 tax on businesses grossing over \$1 million. This was an important course-correction and even a bit of a “tax break” from the Democrats’ perspective; it was a shoddy attempt to fix a poorly-built and unnecessary tax from the Republicans’ perspective. As **6492** cleared the House Floor Thursday night and headed to the Governor’s desk to be signed into law, five (5) swing-District Democrats joined all voting Republicans in casting a ‘no’ vote: Reps. Mari Leavitt (D-University Place/28th); Jared Mead (D-Mill Creek/44th); Dave Paul (D-Oak Harbor/10th); Bill Ramos (D-Issaquah/5th); and Sharon Shewmake (D-Bellingham/42nd). Here’s a very good *Seattle Times* piece on **6492**:

<https://www.seattletimes.com/seattle-news/politics/washington-lawmakers-approve-change-to-business-tax-to-fund-college-affordability/>

Meanwhile, in a King County Superior Courtroom, opponents and defenders of Initiative 976 had a robust debate over the clarify of the Initiative or lack thereof, and whether it had deceived voters with its “\$30 car tabs” messaging. King County Superior Court Judge Marshall Ferguson promised a ruling – one which is almost surely going to be appealed – next week. *Times* coverage here:

<https://www.seattletimes.com/seattle-news/transportation/judge-hearing-arguments-on-challenge-to-washington-state-car-tab-initiative/>

In the meantime, the thousands of pending bills in Olympia are going to be cut back to hundreds, due to the Friday (Feb. 7) cutoff deadline that came and went for bills to pass through policy committees. Bills that have fiscal or tax-policy components have a deadline of end of the day Tuesday (Feb. 11).

During Week 4, most lawmakers and lobbyists spent their days in high-stress mode, looking to ensure bills of interest either moved along or were headed off. For WRPA, Week 4 was an excellent one, punctuated by Parks and Great Outdoors Day and a decisive House committee vote in support of our priority legislation.

Here is my overview of WRPA priorities and support items, followed by a bulletized rundown of some other legislation impacting local parks and recreation and the outdoors – now put in chronological order by Senate and House bills. I've separately attached a Week 5 hearings list and recommendations, all 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/Fiscal Bill)* Our priority bill, **SHB 2625**, passed out of the House Finance Committee on a 10-2 vote Friday and now heads to the House Rules Committee. Woo! My thanks to Mike Farrell of Monroe Parks and Recreation as well as two Jefferson County elected officials for speaking in **strong support** of our bill at last Thursday's Finance Committee hearing. **SHB 2625** would provide local parks agencies with a 1/10th of 1 cent sales tax funding option subject to voter approval. **2625** provides full bonding against the .1 percent revenue stream if voters approve a ballot measure. A Committee Amendment limits the term of bonding to 20 years. As FYI, a companion Senate bill, **SSB 5680**, will *not* be going forward, meaning **2625** is the 'vehicle' for action for the rest of Session.

Strongly Support \$50,000 Allocation to Update Outdoor Recreation Sector Economic Analysis – and the Outdoor Recreation Funding Roundtable

(Operating Budget) As previously reported, the \$50,000 allocation for the outdoor recreation sector economic study is a done deal. As we discussed last Thursday, a separate budget proviso by House Housing, Community Development, & Veterans Committee Chair Cindy Ryu (D-Shoreline/32nd Dist.) is also working its way through the process. The proviso has undergone revisions even since we read it to you during the Parks and Great Outdoors Day lunch briefing. Here's the latest language – forgive the small type size ☺:

Proviso for the Recreation and Conservation Office to support the efforts of the Outdoor Recreation Legislative Roundtable:

(1) (a) \$75,000 of the general fund--state appropriation for fiscal year 2021 is provided solely for the recreation and conservation office, in collaboration with the department of natural resources, the state parks and recreation commission, and the department of fish and wildlife to convene and facilitate an advisory group that includes recreational industry, and non-profit, motorized, non-motorized and other outdoor recreation groups to:

(i) Engage affected state agencies, partners and stakeholders in the development of a bold vision and twenty-year legislative strategy to invest in, promote and support state outdoor recreation in Washington State.

(ii) Review the investment strategies and approaches taken by other states, including but not limited to Colorado and Oregon, to invest, promote and support outdoor recreation.

(iii) Identify strategies, investment priorities, and funding mechanisms that might be useful to implement in Washington State;

(iv) Solicit feedback on potential recommendations from the general public and interested outdoor recreation stakeholders; and

(v) Incorporate the review and recommendations into a strategy for the future investments in outdoor recreation.

(b) The recreation and conservation office must submit the strategy for the future investments in outdoor recreation to the appropriate committees of the legislature by November 30, 2020.

Protect Funding for Dedicated Accounts within the Capital Budget

(Capital Budget) We don't see any signs yet of the Legislature looking to do any major re-opening of the Capital Budget. As context, while the Legislature's bonding capacity for the most recent biennial capital budget was about \$3 billion, it is more on the order of \$75 million for this 2020 Supplemental.

"Support/Oppose" Items

Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills, Budgetary Items) In 2020, WRPA will strongly support efforts by cities and counties, the Washington Low-Income Housing Alliance (WLIHA), and others to ensure there are tools to address a series of mental health, homelessness, and affordable housing challenges in local communities. A couple bills:

- ✓ **SHB 1406 cleanup bill – SSB 6631/SHB 2797:** This legislation, sponsored by Sen. Rebecca Saldana (D-Seattle/37th Dist.) and by Reps. June Robinson (D-Everett/38th Dist.) and Nicole Macri (D-Seattle/43rd Dist.), makes a number of technical fixes to the landmark **SHB 1406** legislation from 2019 that provides cities and counties with an estimated \$500 million worth of state sales tax credits over the next 20 years to construct and rehab affordable housing units. Changes include provisions to help counties maximize their state sales tax credits and to extend the time for cities to take a "Qualifying Local Tax" (QLT) to the ballot to maximize *their* state sales tax credits. Last Wednesday, with all but one Committee Member voting 'aye,' the Senate Housing Stability & Affordability Committee approved **SSB 6631** by Sen. Rebecca Saldana (D-Seattle/37th Dist.). Two days later, after a very well-received hearing in House Finance, Committee Members passed **SHB 2797** on to Rules.
- ✓ **SHB 2907, imposing a payroll tax on King County employers based on their employees earning \$150,000 a year or more:** This bill applies only in counties with a population of two million or more – e.g. King County. The payroll tax of up to 2/10ths of 1 percent would raise an estimated \$121 million per year and would have to be used for affordable housing, homelessness, rental assistance, and public safety efforts to assist those dealing with behavioral health challenges. Of the revenue, 43 percent would be earmarked for Seattle, and all dollars raised for homelessness would go through a newly-formed Regional Homelessness Authority. Remaining funds are to be equitably distributed throughout the county. A handful of large businesses such as Microsoft, Amazon, and Expedia *support* the proposal; others not so much. An amended version of **2907** cleared the House Finance Committee Friday on a party-line vote. This bill is what we call a "work in progress."
- ✓ **Bills to extend the Multi-Family Tax Exemption (MFTE) 8-year and 12-year property tax exemption program for multi-family units – SSB 6411/SHB 2620, HB 2746:** Of these bills, cities and urban counties *support* the **2620/6411** legislation that is Governor-request, while there are significant *concerns* with **HB 2746** that includes more and new affordability criteria to be met for cities which want to continue to use the 8-year and 12-year programs. Even though local governments have supported the Governor-request **2620/6411**, there are concerns with some of the provisions being added to those bills that make them less usable and more onerous in terms of things such as "performance benefit assessments" that must be conducted.
- ✓ **SHB 2649, concerning homeless sheltering capacity:** We feel much better about this bill as it was amended and passed out of the House Housing, Community Development, and Veterans Committee on Friday. The initial version of the Governor-request **2649** required cities and counties to amend local homeless plans by Dec. 1, 2020 to expand shelter or sanctioned camping capacity by at least 50 percent. We had real questions as to how local governments which don't have full *control* over these issues would meet such a mandate. The *amended* **2649** requires cities with a population of at least 15,000 in urban counties to report to the Department of Commerce by Dec. 1, 2021, with a list of all parcels that are zoned, suitable, and potentially feasible for shelters.

Legislation to Ban Sales/Transport of English and Atlantic Ivy in our State

(Policy Bill) As previously noted, it appears we will see a non-legislative path forward for the City of Olympia's initiative to ban the sale and transportation of English and Atlantic Ivy in Washington State.

“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. Big Tent is not doing a legislative reception this year but is holding weekly calls (Friday mornings at 8:15 a.m.) for outdoor recreation advocates. We’re patching into those.

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

(Capital, Transportation, Operating Budgets) As part of its “Healthy and Active Communities” initiative, 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. We’ll continue to track to ensure there are no funding dislocations or diversions of:

- ✓ 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.

Support Increased Funding Associated with the “No Child Left Inside” Grant Program

(Operating Budget) Washington State Parks sought an increase of nearly \$1.2 million for NCLI, with the Governor ultimately including \$500,000 in his proposed Operating Budget. Thanks to all those who conveyed WRPA **support** for the additional funding for this program.

Support Increase in the Annual Discover Pass Fee from \$30 to \$35

(Policy Bill) There still has not been a hearing scheduled on **HB 2445** by Rep. Cindy Ryu (D-Shoreline/32nd Dist.), chair of the House Housing, Community Development, and Veterans Committee. The bill increases the Discover Pass fee to \$35. It has been mired in House Appropriations and looks very unlikely to emerge by the cutoff deadline. WRPA **supports** this bill, which may come back in 2021.

Other Bills WRPA is Tracking

(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)

- **SB 5613/SHB 2371, concerning authority of counties to vacate a county road abutting a body of water if the road is hazardous or creates a significant public safety risk:** For the past two Sessions, Sen. Ann Rivers (R-La Center/18th Dist.) has attempted to pass the Senate version of this bill, which has passed the Senate and is now before House Local Government. Rep. Paul Harris (R-Vancouver/17th Dist.) is the sponsor of **2371**, which is in House Rules. A North Clark County roadway along the Lewis River is at the epicenter of this legislative initiative. Some outdoor groups are nervous about the statewide precedent this type of legislation could set. For that reason, House Rural Development, Agriculture, and Natural Resources Chair Brian Blake (D-Aberdeen/19th Dist.) sees it as unnecessary. The House bill has been more narrowly written.
- **SSB 5692/2SHB 1708, Fishing and Hunting License Fees:** This bill spurred a fiery 2019 Session debate between the Washington Department of Fish and Wildlife (WDFW) and sport-fishing interests. We will see whether the bill includes simply the fee increases sought by WDFW, or other concessions sought by the sport-fishing sector in exchange. Look for this bill to either spring to life – or not -- during the budget process.
- **SB 6093, SB 6174, repealing the requirement to have a Discover Pass to visit State Parks and other public lands:** Senate Minority Leader Mark Schoesler (R-Ritzville/9th Dist.) is the prime sponsor of both these bills. Neither received a hearing and thus both appear to have “died.” The bills expressed legislative intent to have lost Discover Pass revenue offset through the state General Fund.
- **Bills dealing with All-Terrain Vehicles (ATVs), Off-Road-Vehicle (ORV) Registrations – SB 6114; SB 6115; SB 6363/HB 2592; HB 2447; HB 2723:** Most – but not all -- of these bills are moving. See following page:

- ✓ **SSB 6114** gives cities under 3,000 population and counties more leeway to designate roads as suitable for ORV use. **6114** is in Senate Rules;
 - ✓ **SB 6115** eliminates, under certain conditions, the registration exemption for out-of-state ORVs. **6115** is in Senate Rules;
 - ✓ **SB 6363/HB 2592** allows ATVs to also be registered as snowmobiles. Both bills have advanced to their respective Rules Committees;
 - ✓ **HB 2447** enables new categories of off-road vehicles entering the market to be labeled as wheeled ATVs. This one is still awaiting a committee vote in House Transportation;
 - ✓ **HB 2723, addressing off-road vehicle and snowmobile registration enforcement:** This bill modifies the reciprocity provision that allows a person who has properly registered an off-road vehicle (ORV) or snowmobile in another state to use the vehicle in Washington without registering it here. That reciprocity is eliminated for a state that does not impose a sales tax – e.g. Oregon. **2723** also requires the Department of Licensing (DOL) and the Department of Revenue (DOR) to jointly send out a letter to a Washington resident who purchased an ORV or snowmobile warranty in the preceding year, but who has not registered the vehicle in Washington, notifying the owner of the obligation to register. This bill is due for a Committee vote Monday in House Transportation.
- **SSB 6208/SHB 2358, allowing bicyclists to yield at stop signs when no other traffic is present or approaching:** These companion bills by Senate Majority Leader Andy Billig (D-Spokane/3rd Dist.) and Rep. Joe Fitzgibbon (D-Burien/34th Dist.) have each progressed through Transportation Committees and are in the Senate/House Rules Committees. The legislation allows a bicyclist to treat a stop sign as a yield if no other traffic is approaching – though stops would still be required at all times at railroad crossings. The House Transportation Committee included amending language requiring the “stop at all times” law to apply to stops that are used by school buses. Washington Bikes is promoting this bill and has data showing that it enhances overall safety and has been adopted in four states. The law enforcement community has mixed feelings.
 - **SB 6252/HB 2601, authorizing the State Parks & Recreation Commission to enter into longer-term leases without a unanimous vote:** This bill changes current law requiring a unanimous vote when the Commission wishes to establish leases of more than 20 years. **6252/2601** changes the threshold to a majority vote and extends the maximum lease term from 50 to 80 years. **SB 6252** remains in Senate Ways & Means. **HB 2601** is queued up for a House Capital Budget Committee vote on Monday.
 - **SB 6403/HB 2501, allowable uses for the multi-use roadway safety account:** These companion bills flex money in the Account to be used for counties to perform maintenance on any road within a county that is authorized for use by all-terrain vehicles. Both bills are in Rules Committees.
 - **SB 6519/HB 2850, protecting archaeological and cultural sites by state and local governments and all recipients of state appropriations:** Cities, parks officials, Ports, state agencies and more expressed major concerns with these bills, which would have required new consultation and extra layers of review by any “federally recognized Tribe” (not defined or limited) anytime a state or local agency received a state appropriation for an infrastructure project and proceeded to ground-breaking. Neither **6519** nor companion **2850** advanced, though we do expect that the Governor’s Office will update an Executive Order to address some of the concerns expressed by certain Tribes.
 - **SB 6541/HB 2767, establishing designated recreational target shooting areas on public lands:** This Department of Natural Resources (DNR) request bill is not progressing and may end up ‘dying’ for the 2020 Session. I’ll keep folks posted if that changes.
 - **SB 6637, creating a wilderness therapy program:** Sen. Jesse Salomon (D-Shoreline/32nd Dist.) has asked us to review his bill, emphasizing that he doesn’t expect it to pass in 2020 and it is thus a conversation-starter. The bill is crafted with programs such as Outward Bound in mind. It requires the Department of Health to create a business license for wilderness therapy programs that include behavioral health treatment by licensed providers. Bill and bill analysis here:
<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/6637.pdf?q=20200210042701>
<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/Senate/6637%20SBA%20HLTC%2020.pdf?q=20200210042719>

- **SB 6670, enabling the Parks & Recreation Commission to provide Discover Passes to libraries which can make them available to their patrons on a loan basis:** This bill would appropriate \$35,000 to the State Parks Commission to set up this collaboration with libraries. **6670** is now in the Senate Rules Committee.
- **SHB 2431, making technical changes to the Boating Under the Influence statute so that it more closely mirrors Driving Under the Influence:** This bill is now in the House Rules Committee.
- **SHB 2443, requiring the use of Personal Flotation Devices (PFDs) in vessels under 19 feet:** Current state law requires that for 'vessels' under 19 feet long (*the definition is inclusive of motor boats, rafts, kayaks, stand-up paddleboards, etc.*), those under age 13 must wear a Personal Flotation Device (PFD -- or life-jacket) at all times when the vessel is underway. **SHB 2443** would extend the mandatory wear-a-PFD-at-all times requirement to those on human-powered vessels – no matter their age. Bill sponsor Cindy Ryu (D-Shoreline/32nd Dist.) crafted the bill after four (4) stand-up paddleboard fatalities occurred in 2019. The bill is now in House Rules.
- **HB 2444, transitioning current Boater Education Cards, requiring all boaters to obtain one at the end of 10 years, and then establishing a 10-year renewal schedule with fee payments:** This bill by Chair Ryu would have changed the Boater Education *Card* into something more akin to a *license*, which generated considerable controversy. **2444** has 'died' for the 2020 Session.
- **HB 2488, concerning park and recreation district levies:** My thanks to Elaine Ott-Rocheford of the Vashon Park District, who let me know last Thursday that **HB 2488** is specifically designed to keep the Park District from being "pro-rated" to a point where its operational future would be threatened. I've now been in touch with 34th Legislative District Members, particularly Rep. Joe Fitzgibbon (D-Burien/34th). Rep. Fitzgibbon tells me that since it is now less likely that King County will put a roads levy on the ballot this fall, he thinks the Park District should be "OK" until next year. Now that we know who this bill is intended to help, we at WRPA will stand by to be of assistance!
- **HB 2587, establishing a program for the designation of state scenic bikeways:** New 40th District House Member Alex Ramel (D-Bellingham), an avid outdoorsman, is the prime sponsor of this one. It was heard and passed by the House Appropriations Committee last Saturday. The bill directs the Washington State Parks & Recreation Commission to establish a scenic bikeways program for the designation and promotion of bicycle routes of notable scenic, recreational, cultural, or historic value.
- **SHB 2768, concerning urban and community forestry:** This DNR request bill would have the state providing technical assistance and resources if local jurisdictions wanted to adopt urban or community forestry programs to better protect their tree canopy. It is permissive and not mandatory. **2768** had a hearing last Saturday in the House Appropriations Committee and now awaits a Committee vote.