

**WEEK 5 REPORT ON 2020 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 2/17/2020

Just as the Legislature chugged past the halfway mark of the 2020 Session last week, a pending revenue forecast will make their budget-building work easier and the results of two court cases leave a still-murky picture for Initiative 976 and the Motor Vehicle Excise Tax.

The revenue forecast update I referenced above will occur Wednesday morning, and word I've received is that state revenue could be **up** as much as \$200 million to \$300 million. There is also a one-time inheritance tax windfall coming to Olympia from the estate of the late Paul Allen. Taken together, those two developments could mean as much as \$400 to \$500 million in additional revenue for Operating Budget writers, meaning they can do some of the additional homelessness investment much more directly than Governor Inslee proposed last December through a Rainy-Day Fund allocation.

While the picture is brighter for those who will put out an Operating Budget, there were mixed messages for Transportation Budget writers from court decisions affecting Initiative 976 and the MVET vehicle valuation schedule utilized by Sound Transit. In a decision last Wednesday, a King County Superior Court Judge *upheld* the constitutionality of most of I-976 (two items were deferred), clearing the way for most of the Initiative to be implemented – though an appeal remains likely. Separately, however, the State Supreme Court voted 7-2 to *uphold* the method of vehicle valuations being used by Sound Transit to collect Motor Vehicle Excise Tax (MVET) payments from King-Snohomish-Pierce county residents inside the ST taxing district. Those two decisions, taken together, leave the transportation outlook for Washington State clear as mud. Here are two articles on the separate-but-related court decisions

<https://mynorthwest.com/1717376/i-976-initial-ruling-king-county/>

<https://www.seattletimes.com/seattle-news/transportation/keep-on-paying-washington-state-supreme-court-sides-with-sound-transit-in-car-tab-case/>

Back in the legislative arena, we *do* have a less-cluttered view of the variety of bills in play, as lawmakers cleared a Feb. 7 policy committee cutoff deadline and a Feb. 11 fiscal committee cutoff and are closing in on the first Floor-cutoff deadline of Feb. 19 (Wednesday).

For WRPA, the activity on the House Floor Sunday turned Week 5 into a superb one! Our priority local parks funding options bill passed easily and moves on to the Senate! Wahoo!

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 6 hearings list and recommendations -- all '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 off the House Floor by a vote of 72-24 on Sunday and now heads to the Senate. Yippee! Thanks go not only to prime sponsor Carolyn Eslick (R-Sultan/39th Dist.), but to House Local Government Chair Gerry Pollet (D-Seattle/46th Dist.) and House Finance Chair Gael Tarleton (D-Seattle/36th Dist.) for their terrific work shepherding this bill. We appreciate positive Floor comments as well from 12th District Representative and former Chelan County Commissioner Keith Goehner (R-Wenatchee). We now will work to get **2625** referred directly to the Senate Ways & Means Committee if possible. Onward!

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. I've also flagged a separate \$75,000 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 reads as follows:

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) Legislators are less than two weeks from rolling out a Capital Budget, and we don't see any moves afoot to raid or diminish or re-purpose dedicated accounts. As I've shared, 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 few here:

- ✓ **SHB 1406 cleanup bill – SHB 2797:** This legislation, sponsored 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. It passed off the Floor Sunday night by a vote of 63-33. 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.

- ✓ **SHB 2907, imposing a payroll tax on King County employers based on their employees earning \$150,000 a year or more:** There have been a barrage of negotiating sessions on this bill in the last week, with more to come starting late this morning. The payroll tax of up to 2/10ths of 1 percent would raise \$120 million+ per year to be used for affordable housing, homelessness, rental assistance, and public safety efforts to assist those dealing with behavioral health challenges. The original bill earmarked 43 percent for Seattle. There is now a concept that would revise the bill to provide 20 percent of the revenue in per-capita direct appropriations to cities with a population of 60,000 or more; 60 percent of the revenue to affordable housing – with 45 percent of that revenue to Seattle and 27.5 percent apiece to the South and North/East sub-regions of King County; 10 percent for grants to the small cities; and 10 percent to King County for behavioral health. The King County Council, in collaboration with an Accountability and Advisory Commission, would have to develop and implement a spending plan for the funds. Businesses who would be paying the tax, and do not want to see the City of Seattle develop a new “head tax,” are insisting upon some type of pre-emption language that would preclude cities from imposing two businesses taxes at the same time but would not affect existing taxes or rates in any way. Large businesses such as Microsoft, Amazon, Starbuck’s, and Expedia – joined by King County and Seattle – are pushing hard for this bill.
- ✓ **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 counties *support* the **2620/6411** legislation that is Governor-request, while we have 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. While **2746** has now ‘died,’ and the Governor-request bills are pending on the Floor Calendar (**2620**) or in Rules (**6411**), we still have some angst around a growing list of affordability provisions being demanded for those bills. Labor representatives are also demanding the prevailing-wage requirements be put in place for the entire MFTE program, even for private builders who have never been subject to it. Many challenges ahead!
- ✓ **SHB 2649, concerning homeless sheltering capacity:** The trend-line is positive for this bill, which is on the House Floor Calendar. The initial **2649** had a requirement that all cities and counties demonstrate how they would achieve in their plans a way to shelter at least 50 percent of their homeless populations. The revised bill, which is awaiting a House Floor vote, directs cities of 15,000+ population to develop a list of parcels that are zoned, suitable, and potentially feasible for development of shelters, sanctioned camping, affordable housing for persons with disabilities, permanent supportive housing, and behavioral health facilities.
- ✓ **SHB 1754, hosting of the homeless by religious organizations:** This bill seems to pop up perennially, and the 2020 Session is no exception. **1754**, which awaits a Floor vote, puts explicit limits on what cities and counties can do in regulating homeless encampments on religious properties – but it also has grandfathering provisions in it. Individual parks agencies should review this bill and let me know what they think. The bill also has provisions requiring 48-hour notice when such encampments are being organized.

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

(Policy Bill) As previously noted, a non-legislative path lies ahead 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. We’re trying to participate in Big Tent weekly calls (Friday mornings at 8:15 a.m.) when other conflicts don’t come rushing at ‘us’ (me!).

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

(Capital, Transportation, Operating Budgets) Under 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. Here are several we will keep our eyes on:

- ✓ 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 during Park & Great Outdoors Day. A group of NCLI proponents descended on the Capital last Thursday and presented on the virtues of the program in front of the Outdoor Recreation Caucus.

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

(Policy Bill) **HB 2445** by Rep. Cindy Ryu (D-Shoreline/32nd Dist.), chair of the House Housing, Community Development, and Veterans Committee, never received an Appropriations Committee hearing. The bill is almost surely ‘dead’ for the 2020 Session. It would have increased the Discover Pass annual fee to \$35. WRPA **supported** this bill, which may come back in 2021.

Other Bills WRPA is Tracking

(NOTE: Any new bills are in yellow highlighting. 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 is up for a Friday morning hearing in the House Local Government Committee. Rep. Paul Harris (R-Vancouver/17th Dist.) is the sponsor of **2371**, which remains in House Rules. A North Clark County roadway along the Lewis River is the focus of this bill. 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 very narrowly written and we would expect similar narrowing language to be offered up for **5613**.
- **SSB 5692/2SHB 1708, Fishing and Hunting License Fees:** This bill sparked a robust 2019 Session debate between the Washington Department of Fish and Wildlife (WDFW) and sport-fishing interests. It will either spring to life – or not -- during the budget process.
- **SSB 6071/SHB 2571, increased deterrence and meaningful enforcement of fish and wildlife violations:** This legislation specifies that certain additional violations of the Fish and Wildlife code may be cited as natural resource infractions. Examples include failing to return a catch record card for Puget Sound Dungeness crab, not possessing a required license, and violating the terms of certain permits issued by WDFW. **6071** is in Senate Rules while **2571** passed unanimously off the House Floor Sunday.
- **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 both have “died” for the 2020 Session. The bills expressed legislative intent to have lost Discover Pass revenue offset through the 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.
- **SB 6124/HB 2811, establishing a statewide environmental sustainability education program:** My apologies to all of you for omitting this one from our tracking list! The companion bills have ‘died’ for the 2020 Session, though there are efforts to see whether some funding and action can be incorporated into an Operating Budget proviso.
- **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 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. **6403** passed off the Senate Floor unanimously last Wednesday and **2501** advanced Friday to the House Floor Calendar.
- **SB 6519/HB 2850, protecting archaeological and cultural sites by state and local governments and all recipients of state appropriations:** After raising the stress level of cities, parks officials, state agencies and more, these bills failed to clear their policy committees and appear to be ‘dead’ for the 2020 Session. The bills would have required a new consultation and extra layer of review by interested Tribes any time a state or local agency received a state appropriation for an infrastructure project and planned to proceed to ground-breaking activity. The new reviews and consultation would have been on top of already-thorough reviews that are required now. I’d like to thank Lakewood Parks Director Mary Dodsworth for her work and testimony on this bill.
- **SB 6541/HB 2767, establishing designated recreational target shooting areas on public lands:** This Department of Natural Resources (DNR) request bill is almost surely ‘dead’ for the 2020 Session as it was not brought to the Floor in either chamber.
- **SB 6637, creating a wilderness therapy program:** Sen. Jesse Salomon (D-Shoreline/32nd Dist.) sought our input on this bill, which will not pass in 2020. 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. I am setting up a post-Session meeting with Sen. Salomon to talk about whether he would be willing to broaden this bill to include local parks.
- **SSB 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 passed off the Senate Floor unanimously last Thursday. It would appropriate \$35,000 to the State Parks Commission to set up this collaboration with libraries.
- **SHB 1293, concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements:** This bill passed unanimously off the House Floor last Wednesday and is scheduled for a Thursday afternoon hearing in the Senate

Agriculture, Water, Natural Resources and Parks Committee. It allows counties to keep up to 25 percent of the proceeds collected from Discover Pass violations imposed in local courts.

- **SHB 2431, making technical changes to the Boating Under the Influence statute so that it more closely mirrors Driving Under the Influence:** This bill advanced to the House Floor Calendar last Wednesday.
- **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. **ESHB 2443** would extend the mandatory wear-a-PFD-at-all times requirement to those who are 18 and under and using “human-propelled” vessels. Bill sponsor Cindy Ryu (D-Shoreline/32nd Dist.) crafted the bill after four (4) stand-up paddleboard fatalities occurred in 2019. The bill passed 54-44 off the House Floor last Friday and now heads to the Senate.
- **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 has ‘died’ for the 2020 Session. It would have changed the Boater Education *Card* into something more akin to a *license*, which generated considerable controversy.
- **HB 2488, concerning park and recreation district levies:** The good folks at the Vashon Park District let me know that **HB 2488** was specifically designed to keep the Park District from being “pro-rated” to a point where its operational future would be threatened. The bill has ‘died’ for the 2020 Session. I’ve now been in touch with 34th Legislative District Members, particularly bill sponsor Joe Fitzgibbon (D-Burien/34th). Rep. Fitzgibbon believes the Park District should be “OK” until next year. We at WRPA will be ready to help.
- **HB 2587, establishing a program for the designation of state scenic bikeways:** When the House approved this measure by a 96-1 vote last Wednesday, new 40th District House Member Alex Ramel (D-Bellingham), an avid outdoorsman, passed his very first bill off the House Floor. 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.
- **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. **2601** changes the threshold to a majority vote and extends the maximum lease term from 50 to 80 years. The bill advanced to the House Floor Calendar late Sunday night.
- **SHB 2768, concerning urban and community forestry:** By a vote of 64-32, this DNR request bill passed off the House Floor on Sunday. It would provide 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.
- **HB 2915, increasing the relevant taxes to fully fund the foundational public health services account:** This is more of a “statement” bill than one that is expected to pass. 2915, due for a House Finance Committee hearing on Thursday afternoon, would place a new 45 percent tax on all vaping products and place the proceeds in the Foundational Public Health Services Account.