

**WEEK 6 REPORT ON 2020 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 2/24/2020

If Hollywood producers were to make a 2020 Legislative Session film patterned after the 2011 flick that celebrated the brilliance of an Oakland A's General Manager steering a low-payroll team to a pennant ("Moneyball"), they might call it "Plenty of Moneyball." 😊

That's at least true for the state's Operating Budget, which received a \$606 million rocket boost last Wednesday with the revenue forecast update, meaning key lawmakers shouldn't have much trouble negotiating a final version of **SB 6168/HB 2325** (2020 Supplemental Operating Budget bill). Conversely, due to voter approval of Initiative 976 last November and to severely diminished debt capacity for an in-between year, the 2020 Transportation Budget (**SB 6497/HB 2322**) and 2020 Capital Budget (**SSB 6248/HB 2324**), respectively, are in a "Not Much Moneyball" predicament.

Speaking of these budgets, we will have seen them all by the middle of Week 7 of the Session. Both the Senate and House will roll out and conduct public hearings on their Operating Budget on Monday. The House hears its Capital Budget on Tuesday morning, two days after the Senate passed its version out of Committee. And, on the Transportation Budget front, the House will daylight theirs Monday and hear that same afternoon, while the Senate's version gets a public hearing Wednesday.

As budgets hit the streets, legislators are also running up against their final policy committee and fiscal committee cutoffs for bills coming from the "opposite chamber." Senate policy bills must clear House policy committees by the end of Friday, Feb. 28 – and vice-versa for House policy bills pending in the Senate. Senate fiscal bills must clear House fiscal committees by the end of Monday, March 2 – and vice-versa for House fiscal bills being considered in Senate fiscal committees. An end to the 2020 Session is clearly not far off.

For WRPA, Week 6 was another very good one, as our priority local parks funding options bill was referred straight to the Senate Ways & Means Committee and scheduled for a public hearing this coming Wednesday. Additionally, the first Capital Budget we saw keeps all dedicated outdoor recreation accounts in their place and fully intact.

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. The list is in chronological order by Senate and House bills. I've separately attached a Week 7 hearings list and recommendations, most of which call for monitoring bills in play.

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)* Yay! Our thanks and tip of the cap to Senate Floor Leader Marko Lias (D-Edmonds/21st Dist.) and Senate Ways & Means Chair Christine Rolfes (D-Bainbridge Island/23rd Dist.) for ensuring that our priority bill, **SHB 2625**, was referred straight to the Ways & Means Committee and scheduled for a hearing right away. For Wednesday's public hearing, I hope to have the Mayor of Poulsbo, a Metro Parks Tacoma representative, and Monroe Parks Director Mike Farrell join me at the testimony table. Counties also are seeing whether Jefferson County Commissioner Kate Dean can testify on this bill once more. My appreciation to all of you who have been so helpful shepherding **2625** along!

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

(Operating Budget) As I've been reporting, the \$50,000 allocation for the outdoor recreation sector economic study is a done deal. We will learn later today (Feb. 24) whether other outdoor recreation budget provisos are included in the 2020 Operating Budget, including this \$75,000 'ask' by House Housing, Community Development, & Veterans Committee Chair Cindy Ryu (D-Shoreline/32nd Dist.):

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 appreciate that in its rollout of **SSB 6248** and in passing the 2020 Supplemental Capital Budget through committee, the Senate did not diminish or re-purpose any dedicated accounts. We will likely see the House version of the Supplemental Capital Budget, **PSHB 2324**, later today.

“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:** After passing off the House Floor a week ago, **SHB 2797** by House Appropriations Vice-Chair June Robinson (D-Everett/38th Dist.) and Rep. Nicole Macri (D-Seattle/43rd Dist.) advances to a hearing in the Senate Housing Stability & Affordability Committee this coming Wednesday. This bill fixes technical issues in the '1406' bill for both counties and cities. It also provides cities with an extended timeline for a “Qualifying Local Tax” under the 2019 statute.
- ✓ **SHB 2907 – now HB 2948, imposing a payroll tax on King County employers based on their employees earning \$150,000 a year or more:** What *had* been **SHB 2907** on the payroll tax has given way to a new bill, **HB 2948**, that was introduced and exempted from cutoff deadlines since it

has a small impact on the state budget. The **2948** legislation will be given a public hearing this coming Thursday in the House Finance Committee. The bill at this point authorizes a King County payroll tax adding up to .35 percent and imposed on employers based on the number of employees they have earning \$150,000 or more a year in compensation. Small businesses with fewer than 50 employees and/or less than \$3 million in annual payroll receipts would be exempted. Of the .35 percent, a .1 percent per-capita-population distribution off the top would go to “participating cities” of 60,000 population or more than opt in (Sec. 8 of the new bill). Of the remaining .25 percent, 20 percent of the funds would go in direct per-capita-population distributions to the 60,000+ population cities; 10 percent would be used for a small city grants program; 60 percent would be set aside and distributed by King County for affordable housing – with a cumulative 50 percent of the funds required to serve those in the 0-to-30 percent Area Median Income (AMI) bracket. Also, of the affordable housing funds, 45 percent of that money would go to Seattle, 27.5 percent to South King County, and 27.5 percent to North/East King County. The remaining 10 percent would go directly to King County for behavioral health services.

- ✓ **HB 1590, allowing a 0.1 percent local sales tax for affordable housing/homelessness to be imposed by councilmanic authority:** This bill passed off the House Floor last Wednesday by a party-line vote of 52-46, with several Republican amendments rejected. The bill amends 2015 statute that allowed counties – and cities if counties did not act – to take a 0.1 percent sales tax measure to voters to help fund affordable housing and homelessness. The **1590** legislation would change the voter-approval requirement to councilmanic authority. There are efforts afoot to ensure that King County would not be given access to *both* **HB 2948** and **HB 1590** if each bill continues to move. An amendment is likely to be inserted into **1590** as it moves through the Senate Housing Stability & Affordability Committee, where the legislation is due to be heard Thursday morning.
- ✓ **Accessory Dwelling Units (ADUs) and requiring duplexes and tri-plexes to be allowed on any lot in single-family zones – the mandate approach (SHB 2570, ESSB 6617, SSB 6536) vs. the incentives approach (SHB 2343, HB 2630/SSB 6231):** Week 6 was a positive one for local governments in helping legislators determine whether a “mandate it from Olympia” approach or an “incentivize it from Olympia” approach works best for achieving more housing density and a broader mix of housing stock in single-family zones. One of the ‘mandate-it’ ADU bills, **SHB 2570**, did not move off the House Floor last week and thus has ‘died’ for the 2020 Session. The other, **ESSB 6617**, passed off the Senate Floor last Wednesday on a 31-17 vote, amended in a way that removes one mandate and leaves only one: it *prohibits* cities from requiring off-street parking in areas that are within ½ mile of a bus stop served by high-frequency transit service. **SSB 6536** did not pass off the Senate Floor last week and has ‘died’ for the 2020 Session. It would have mandated that duplexes, tri-plexes, 4-plexes and 6-plexes be allowed on every single lot in Washington State where single-family residences are allowed. Bills to incentivize ADUs and mixed-housing stock are faring better. **SHB 2343**, which adds incentives options to the 2019-enacted **ESHB 1923**, passed 93-2 off the House Floor last Sunday. **SSB 6231/HB 2630**, which would provide a 3-year property tax exemption for ADU construction, are pending in Senate Ways & Means and House Finance.
- ✓ **Bills to extend the Multi-Family Tax Exemption (MFTE) 8-year and 12-year property tax exemption program for multi-family units – SHB 2620/SSB 6411, HB 2746, HB 2950:** Of these bills, the only one that appears to have a chance to survive this 2020 Session is **HB 2950**, introduced last week by Rep. Nicole Macri (D-Seattle/43rd Dist.) after other bills appeared to have hit the cutting room floor due to disagreements over density vis-à-vis affordability. **2950** would extend until 2022 the current 12-year MFTE exemptions for any projects in imminent danger of losing their affordability without the extension. The bill would also set up a Work Group to further discuss the MFTE issue and attempt to develop consensus recommendations for the 2021 Session.
- ✓ **SHB 2649, Governor-request legislation on homeless shelter capacity:** This bill never cleared the House Floor Calendar last week and has been returned to the House Rules Committee. However, because it may impact the Operating Budget, there’s reason to believe **2649** may still be alive. 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 is much better, directing 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.

- ✓ **ESHB 1754, hosting of the homeless by religious organizations:** This bill passed off the House Floor last Tuesday by a 95-3 vote. It has grandfathering language in it that allows cities and counties with ordinances governing encampments on religious properties, to continue to use those. The bill also has notice provisions that give cities and counties only 48 hours to publish information regarding public meetings on encampment proposals. Some local governments feel such a timeline is unworkable and that such language should either be changed or even removed from 1754.

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

(Policy Bill) As I've been reporting, the City of Olympia is taking a non-legislative path with its 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 patching into Big Tent weekly calls (Friday mornings at 8:15 a.m.).

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. As I noted above, all of these are left unscathed in the Senate's 2020 Capital Budget, **SSB 6248**.

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. WRPA **supports** the \$500,000 allocation. We'll look to see if this is included in the 2020 Supplemental Budgets unveiled later today.

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

(Policy Bill) As previously reported, **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 likely '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: 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 scheduled for either a Wednesday or Friday vote in the House Local Government Committee. We expect an amendment to narrow the bill – as had been done with the House version. However, the House measure, **2371**, has 'died.' A North Clark County roadway along the Lewis River is the focus of this bill.
- **SSB 5692/2SHB 1708, Fishing and Hunting License Fees:** This bill was hotly debated during the 2019 Session. I learned last week that new license fees for the Washington Department of Fish and Wildlife (WDFW) are unlikely this Session. The Legislature is more likely to look at what funding levels are needed to keep WDFW's budget from suffering too much of a downward spiral.

- **SSB 6071/ESHB 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** has 'died' while **2571** passed unanimously last Thursday out of the Senate Agriculture, Water, Natural Resources & Parks Committee.
- **SB 6093, SB 6174, repealing the requirement to have a Discover Pass to visit State Parks and other public lands:** Both these bills by Minority Leader Mark Schoesler (R-Ritzville/9th Dist.) "died."
- **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** appears to have 'died.' It would have given cities under 3,000 population and counties more leeway to designate roads as suitable for ORV use;
 - ✓ **SB 6115** eliminates, under certain conditions, the registration exemption for out-of-state ORVs. The bill passed unanimously off the Senate Floor last Tuesday and is pending in the House Transportation Committee;
 - ✓ **SB 6363/HB 2592** allows ATVs to also be registered as snowmobiles. **6363** passed unanimously off the Senate Floor and is scheduled for a Wednesday hearing in House Transportation. The House companion appears to have 'died';
 - ✓ **HB 2447** enables new categories of off-road vehicles entering the market to be labeled as wheeled ATVs. This bill appears to have 'died' for the 2020 Session;
 - ✓ **EHB 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 passed 94-4 off the House Floor last Wednesday and will receive a hearing this coming Wednesday in Senate Transportation.
- **SSB 6208, allowing bicyclists to yield at stop signs when no other traffic is present or approaching:** This Senate-passed bill, which is due for a hearing Saturday in the House Transportation Committee, allows bicyclists to treat a stop sign as a yield sign in situations where there is no other traffic around or approaching. Bicyclists would still be required to stop at all times in areas where there are railroad tracks or where a school bus displays its red lights.
- **SB 6403/EHB 2501, allowable uses for the multi-use roadway safety account:** The Senate bill is pending in House Transportation, while the House version is on the move. **2501** passed unanimously off the House Floor last Tuesday and is scheduled for a hearing this coming Wednesday in the Senate Transportation Committee. 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.
- **SB 6519/HB 2850, protecting archaeological and cultural sites by state and local governments and all recipients of state appropriations:** These bills 'died' for the 2020 Session, at least as stand-alone measures. But a provision from them has returned in the form of amending language to **SHB 2804**, the Local Revitalization Financing (LRF) legislation. The stand-alone 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. The Governor's Office was going to deal with this issue through an update to an Executive Order that helps regulate archeological resource reviews and was unhappy to learn of the **2804** amending language.

- **SB 6541/HB 2767, establishing designated recreational target shooting areas on public lands:** This Department of Natural Resources (DNR) request bill has ‘died’ for the 2020 Session.
- **SB 6637, creating a wilderness therapy program:** Sen. Jesse Salomon (D-Shoreline/32nd Dist.) gave this bill a brief test-run in 2020 with hopes of refining it for 2021. 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 discuss 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 Senate-passed bill continues to move briskly along. It is due for a committee vote Tuesday in the House Housing, Community Development & Veterans Committee. 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 last Thursday out of the Senate Agriculture, Water, Natural Resources & Parks Committee. It allows counties to keep up to 25 percent of the proceeds collected from Discover Pass violations imposed by 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 but never made it to a vote by close of business last Wednesday. It is likely ‘dead’ for the 2020 Session.
- **ESHB 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. The bill passed narrowly out of the House (54-44) on Feb. 14 and is being re-referred to the Senate Agriculture, Water, Natural Resources & Parks Committee. It has not yet been scheduled for a hearing.
- **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 is ‘dead’ for 2020 but may well need to be brought back in the 2021 Session. We at WRPA are ready to help.
- **HB 2587, establishing a program for the designation of state scenic bikeways:** This House-passed bill is due to be voted upon in the Senate Transportation Committee later today. It is then scheduled for a Friday public hearing in the Senate Agriculture, Water, Natural Resources & Parks Committee. Freshman 40th District House Member Alex Ramel (D-Bellingham), an avid outdoorsman, is the prime sponsor of this one. 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 passed 93-3 off the House Floor last Tuesday and is due for both a hearing and committee vote Tuesday in the Senate Agriculture, Water, Natural Resources & Parks Committee.

- **SHB 2768, concerning urban and community forestry:** This House-passed, DNR request bill 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. **2768** is scheduled for a Tuesday hearing in the Senate Agriculture, Water, Natural Resources & Parks Committee.
- **EHB 2811, establishing a statewide environmental sustainability education program:** My apologies for incorrectly giving this one a 'dead bill' label! **2811** passed the House and had a hearing last Friday in the Senate Early Learning & K-12 Education Committee. The committee is due to vote on the bill later today.
- **HB 2915, increasing the relevant taxes to fully fund the foundational public health services account:** This bill had a hearing last Thursday in the House Finance Committee. It would place a new 45 percent tax on all vaping products and place the proceeds in the Foundational Public Health Services Account. I'm told the bill is highly unlikely to move on its own, but we will see what the Operating Budgets hold in store for foundational public health funding.