

**WEEK 7 REPORT ON 2021 SESSION OF THE LEGISLATURE**  
**For WRPA President, Executive Board, Executive Director, Legislative Committee**

*Doug Levy – 3/1/2021*

As February fades into March and the Legislature bumps up against the halfway point of the 2021 Session, we're seeing some things familiar and some things new:

**The new stuff:** In a virtually-all-virtual Session, one reality is that the Legislature is going to move fewer bills through the system than normal. During the first week of Floor action, the House passed 80 bills and the Senate 58 – far below what we would experience with an in-person Session. We are also seeing a new emphasis on policing reforms following the national outrage last summer over the killing of George Floyd. Yet another new phenomena for 2021 is the increased emphasis by majority Democrats on enacting “progressive revenues” -- with a particular focus on a capital gains tax. I sent many of you e-mail last week regarding **SSB 5096** and **HB 1496** and dueling surveys on the popularity – or lack thereof – of a capital gains tax.

**The familiar stuff:** Not surprisingly, affordable housing and homelessness, land-use bills, legislation on Accessory Dwelling Units, and proposals around transportation revenue are on the table this Session, just as they were in 2020. There's a ramped-up attention to transportation revenue, though, including ideas about taxes or fees on carbon emissions.

We will be watching a lot more Senate and House Floor action this coming week as lawmakers move closer to a March 9 first deadline for passing bills out of one chamber or the other. But beyond the Legislature, the State Supreme Court and the U.S. Congress were big newsmakers in Week 7.

The headliner from the State Supreme Court involved the *Blake* case, which could preclude future arrests and convictions for drug possession and could result in current convictions being cast aside. Media coverage of that important, and controversial, decision is here:

[Washington Supreme Court strikes down law that makes unintentional possession of drugs a crime | The Seattle Times](#)

As for WRPA, we had a good week, with our “Parks Rx” bill passing decisively off the Senate Floor and with a pending Floor Amendment on a House climate change bill that will add a trails definition to the ‘active transportation’ elements of Growth Management Act planning (*see SHB 1099*). Below is an overview of where we stand on WRPA's 2021 Legislative Agenda priorities. I also have provided the customary rundown of other bills impacting local parks and recreation and/or outdoor recreation. There is no Week 8 hearings list since this week will almost exclusively consist of Senate/House Floor action.

### **Top Priorities**

**\*Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs which only became more challenging under COVID-19 – SB 5006/HB 1025 (Policy/Fiscal Bill)** Last week, I shared the unfortunate news that these bills would not emerge from fiscal committees by the cutoff deadline. I will meet March 11 (after Floor cutoff) with the House Finance Chair to see if there is any chance – however remote – that these bills can be kept alive as “Necessary to Implement the Budget.” **HB 1025/SB 5006** got swept up in a larger philosophical discussion among Democrats on how to promote more “progressive” revenues vs. advancing bills (ours and several others) with a sales tax funding tool considered “regressive.” While the 1/10<sup>th</sup> of 1 cent sales tax tool (*subject to voter approval*) in our bills is considered regressive, the services parks and recreation agencies provide are decidedly *progressive* and this funding tool was important in COVID recovery for our folks.

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

*(Operating Budget)* The action here is in that “other Washington,” where last Friday night, by a mostly-party-line 219-212 vote, the U.S. House approved a \$1.9 trillion initiative from the Biden Administration that includes a \$350 billion allocation for state and local governments across the U.S. This measure still needs to pass an 50-50 U.S. Senate before it can pass into law. If it does, city- and county-run parks agencies could be in line to receive funds, which *can* be used to address COVID-19 related revenue losses. Unfortunately, I am not aware of any such funding for Metropolitan Park Districts and Park Districts.

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

*(Capital Budget)* It will be sometime after a mid-March state revenue forecast update when we see the Legislature release proposed 2021-23 Operating and Capital budgets. We appreciate the \$100 million, \$11.2+ million, and \$9.1 million allocations in the Governor’s Budget, which funds virtually all the YAF and ALEA lists. We join the WWRC in asking for consideration of a \$140 million investment in WWRP. On a YAF front, we have encouraged budget writers to think about a full \$11.3 million allocation (*the \$11.2 million+ in the Governor’s budget would leave two funding alternates at the bottom of the list*).

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

*(Policy Bill)* This bill remains stuck in the House Rules Committee, unfortunately. I reached out to several House Rules Committee members at the request of **1034** prime sponsor Joe Fitzgibbon (D-Burien/34<sup>th</sup> Dist.). **HB 1034** is designed to prevent the ‘pro-rationing’ of the Vashon Parks District – and other Park Districts -- by removing their property tax allocation from the \$5.90 limit and shifting it to a 50-cent ‘gap’ portion of property tax. As previously indicated, Metro Parks districts are not included in the bill because they are already in the 50-cent gap, just ahead of where Parks and Recreation Districts are placed in the proration order under **HB 1034**.

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

*(Capital Budget)* No news to report on this one. As previously noted, the Governor’s proposed 2021-23 Capital Budget does a good job of maintaining and funding dedicated outdoor recreation accounts. Additionally, the Governor’s office, the Office of Financial Management (OFM), and the Department of Natural Resources (DNR) came to agreement with NOVA funding advocates regarding a Section 961 provision of the 2021-23 *Operating Budget* that impacts NOVA monies.

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

*(Capital, Transportation, Operating Budgets)* Under WRPA’s “healthy and active communities” initiative, we work to support several funding allocations. Note that: The Governor’s Operating Budget (**SB 5092/HB 1094**) provides an additional \$500,000 to the No Child Left Inside program run by State Parks; b) efforts to add funds for “Foundational Public Health” are in two policy bills; and c) additional multi-modal and “Complete Streets” funding is in Transportation new-revenue packages proposed in both the Senate and House (see entry below). Here is our tracking list, which I will update when budgets roll out later this month:

- *Public Health District funding -- Operating Budget;*
- *Bicycle and Pedestrian Grant, Safe Routes to Schools, “Complete Streets” and fuel-tax-distribution funding in the Transportation Budget;*
- *“No Child Left Inside” within the Operating Budget;*
- *“Target Zero” programs run by the Washington Traffic Safety Commission;*
- *Dedicated accounts and grant programs in the Capital Budget such as WWRP, YAF, ALEA, NOVA, BFP.*

### **\*Support Legislation Promoting Parks and Wellness Connections with Public Health – SSB 5292**

*(Policy Bill)* Yahoo! Last Tuesday, by a whopping 46-3 vote, the Senate passed **Substitute Senate Bill 5292** and sent it to the House. Congratulations to our prime sponsor, first-term Sen. T'wina Nobles (D-University Place/28<sup>th</sup> Dist.). **5292** seeks to parallel the wellness program and health insurance incentives used by the private sector – through the prescribed use of public parks, spaces, trails, and facilities. The legislation does not mandate what a Parks Rx program should include, rather establishing a Task Force where representatives of local parks, public and community health, health care providers, and health insurers can collaborate and use advisory bodies for robust public outreach to design three pilot projects around the state.

### **Support/Oppose Items**

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

*(Policy Bills, Budgetary Items)* Our Legislative Agenda notes that WRPA will support efforts led by cities and counties, the Low-Income Housing Alliance, and others, to ensure the Legislature continues to provide funding and tools for local governments to address growing mental health, homelessness, and affordable housing crises in their communities. Here is a slimmed-down list of 'live' (and NTIB) bills we are tracking in this space:

- **ESHB 1070, providing updated and expanded authority for the 'HB 1590' 1/10<sup>th</sup> of 1 cent sales tax enacted in 2020:** This bill by Rep. Cindy Ryu (D-Shoreline/32<sup>nd</sup> Dist.) passed off the House Floor on Thursday by a 56-42 vote. **1070** explicitly allows '1590' monies to be used for the acquisition of properties for things such as permanent supportive housing. **ESHB 1070** also flexes up the use of funding for those experiencing homelessness.
- **SHB 1108, maintaining funding and assistance for homeowners navigating the foreclosure process:** This legislation has passed the House and still awaits a hearing in the Senate Business, Financial Services & Trade Committee. It extends mediation and remittance requirements within the Foreclosure Assistance program, to Dec. 31, 2022.
- **2SHB 1220, supporting emergency shelters and housing through local planning and development regulations:** This bill moved to the House Floor Calendar last Thursday. Because the language in two sections of **1220** has become decidedly more pre-emptive of local zoning authority, city officials are now poised to oppose the bill outright.
- **SHB 1277, providing an additional revenue source for eviction prevention and housing stability:** This legislation has been designated "Necessary to Implement the Budget" (NTIB) and will be voted on later in Session. **1277** adds a \$100 surcharge to document recording fees paid on various housing and real estate transactions. The fiscal impact note on **1277** shows it could raise \$292 million a biennium for rent relief and other assistance to lower-income individuals.
- **2SHB 1477, implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services:** This legislation by Rep. Tina Orwall (D-Des Moines/33<sup>rd</sup> Dist.) would pay for a crisis and mental health response "988" hotline. It won approval last Monday in House Appropriations.
- **ESSB 5235, relating to "increasing housing unit inventory by removing arbitrary limits on housing options":** **5235** passed off the Senate Floor last Wednesday on a 43-6 vote. It would have prohibited cities from requiring any housing unit on the same lot as an ADU to be owner-occupied, unless that owner has more than five ADU lots within the same city. We worked with the sponsor on a Floor Amendment that allows owner-occupancy requirements to remain in place for two additional years within existing subdivisions and three additional years for high-density existing subdivisions.
- **2SSB 5287, making changes to the Multi-Family Tax Exemption (MFTE) program for multi-family housing projects:** With a compromise agreed to by most stakeholders, this bill advanced to the Senate Floor Calendar last Thursday. The compromise worked out among AWC, the Washington Low-Income Housing Alliance, and others preserves the 8-year property tax exemption program that our city and many others have used to bring new market-rate multi-family housing into city centers. It also, at least temporarily, opens the MFTE program to all cities. The compromise also creates a

new 20-year exemption program toward permanently affordable housing and authorizes cities to offer a second 12-year exemption program to projects that are in either the 8-year or 12-year program – if affordability requirements are met. A comprehensive study of the MFTE program also is likely to be integrated into the 2021-23 Operating Budget.

- **SB 5312, incentivizing Transit-Oriented Development (TOD):** This bill by Sen. Mark Mullet (D-Issaquah/5<sup>th</sup> Dist.) passed easily out of the Senate and now awaits a hearing in the House Environment & Energy Committee. It would use appropriated Planning and Environmental Review Fund (PERF) dollars as an incentive for local communities to engage in TOD efforts.

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

*(Budgetary, Policy Items)* WRPA supports the continued work of the “Big Tent” Outdoor Recreation Coalition, which will be holding a (virtual) legislative reception on March 18. If you are interested in attending or knowing more, please e-mail me! The Big Tent also is holding weekly policy calls during the 2021 Session. Additionally, we are part of the group that attends weekly meetings of the Outdoor Recreation Caucus (ORC).

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

*(Capital Budget)* No Week 7 news on this one. We thank Sens. Judy Warnick (R-Moses Lake/13<sup>th</sup> Dist.) and Liz Lovelett (D-Anacortes/40<sup>th</sup> Dist.) and Reps. Sharon Shewmake (D-Bellingham/42<sup>nd</sup> Dist.), Alex Ramel (D-Bellingham/40<sup>th</sup> Dist.), and Marcus Riccelli (D-Spokane/3<sup>rd</sup> Dist.) for submitting \$200,000 Capital Budget requests for establishing and maintaining a statewide multi-modal trails database. We also sent budget writers a 1-page sign-on letter demonstrating coalition support from Washington Bikes, Washington State Trails Coalition, Washington Trails Association, the Trust for Public Land, Leafline Coalition, Palouse to Cascades Trail Coalition, ForEvergreen Trails, and the Thurston Regional Planning Council.

Other Bills WRPA is Tracking (Bills/Items Newly Added are in **Yellow**)

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

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

We are told that more formal transportation revenue proposals – and the bills to implement those – will likely emerge *after* Senators and House Members pass their March 9 floor cutoff deadline. Here’s a re-listing of key elements and comparisons of what the Senate Transportation Chair, Senate Transportation Ranking Member, and House Transportation Chair/House Democrats have proposed:

- ✓ **Size of package:** The House package is \$26 billion+ over 16 years – the clear high-water mark for negotiations. The Senate Chair’s 16-year proposal totals \$18.26 to \$19.16 billion in overall revenue – with investment levels ranging from \$15.7 billion to \$15.85 billion after bonding; the Senate GOP package is for \$10.163 billion over eight (8) years.
- ✓ **Bonding?** The Senate Chair’s package relies on a range of \$2.4 billion to \$3.5 billion depending on which of two options he uses. Neither the Senate GOP proposal nor the House package contemplates any bonding;
- ✓ **Fuel tax:** The Senate Chair proposes a 6-cent gas tax increase, the Ranking Member 3 cents. The House package is for an 18-cent gas tax increase and indexing of gas taxes beginning the third year;
- ✓ **Carbon tax or fee?** Both majority packages include significant funding from a carbon fee on transportation-related fuels – the Senate also considers the option of a “cap and invest” revenue method. The Senate GOP proposal does not include any carbon tax or “cap and invest”;
- ✓ **Projects?** The Senate Chair lists 38 highway projects while the Ranking Member lists five – U.S. 2 Trestle, I-5/Columbia River Bridge, Snoqualmie Pass, Hood River Bridge, and West Seattle Bridge. The House package calls out one project (I-5 Columbia River Bridge replacement), with the rest TBD.
- ✓ **Direct Distribution?** Sen. Hobbs’ package would allocate \$375 million over 16 years to cities and counties for direct distribution payments of gas tax proceeds. Sen. King’s package does not include

any direct distribution but allocates \$125 million for city and county culvert projects. The House package does not include direct distribution but would devote significant investments to local maintenance and preservation to be granted through the Transportation Investment Board (TIB) and County Road Administration Board (CRAB).

- ✓ **Local transportation funding options for cities/counties?** Both Transportation Chairs have indicated this will be included in both the Senate and the House majority packages when bills are formally introduced. Sen. King's proposal does not call out local funding options.
  
- **SB 5016, all-terrain vehicles:** This bill by Sen. Judy Warnick (R-Moses Lake/13<sup>th</sup> Dist.) allows a wheeled all-terrain vehicle (WATV) to also be registered and used as a snowmobile like vehicle defined as a tracked all-terrain vehicle. **5016** advanced to the Senate Floor last Thursday.
- **E2SSB 5052, creation of "health equity zones":** The WRPA is in *support* this legislation sponsored by Sen. Karen Keiser (D-Des Moines/33<sup>rd</sup> Dist.). **5052** passed out of the Senate Friday on a 30-17 vote. Revisions to the bill allow communities to self-identify health equity zones, require funding to be in place before the zones are developed, and add tribal communities as partners for those establishing the zones.
- **SB 5056, wilderness therapy programs:** Sen. Jesse Salomon (D-Shoreline/32<sup>nd</sup> Dist.) prime-sponsored this one, which did not pass out of committee and is likely "dead" for the 2021 Session. It required the Department of Health to create a business license for "wilderness therapy" programs, established parameters for what constitutes such a program, and directed a rulemaking to be completed by Dec. 31, 2022.
- **SB 5107, addressing homelessness:** This bill 'died' in committee without a vote. **5107** required every city with a population of 50,000 or more to have at least one emergency shelter and added penalties for unauthorized camping on public property.
- **SB 5110, HB 1440, streamlining permitting for wireless telecommunications facilities:** These bills attracted strong local government opposition and 'died' in committee. **5110** never moved after a Jan. 21 hearing and **1440** never received a public hearing.
- **SB 5149/HB 1201, Funding Foundational Public Health Services:** The Senate bill remains in the Ways & Means Committee, while the House bill never received a Finance Committee hearing. As I reported, the Senate bill by Ways & Means Vice-Chair June Robinson (D-Everett/38<sup>th</sup> Dist.) could well be tied to the budget. This bill would impose a \$3.25/month assessment on health insurance carriers for all "covered lives." It directs that \$143 million from the assessment be used for foundational public health in 2024 and \$200 million in 2025. While we *support* **5149**, it faces strong opposition.
- **SB 5159, Payments in Lieu of Property Taxes (PILT) by the Department of Fish and Wildlife:** Sen. Warnick is the sponsor of this year's version of the PILT bill, which advanced to the Senate Floor Calendar last Thursday. Under the bill, the state treasurer, on behalf of WDFW, must distribute PILT to counties by April 30 of each year on game lands.
- **PSSB 5176, HB 1018 - Boating safety:** Neither of these bills passed out of their policy committees so both are likely "dead" for the 2021 Session. They would have required human-powered vessel operators to obtain a boater education card (**1018**) or for those operating in saltwater to obtain a certificate (**PSSB 5176**). Both bills were strongly opposed by the paddle craft community, whose members seem to prefer a solution involving mandatory Personal Flotation Device (PFD) wear.
- **2SSB 5253, Implementing the recommendations of the pollinator health task force:** I'm adding this bill to our tracking list, with direction from the WRPA Legislative Committee to take a neutral stance at this point. **5253** would impact the way local parks and recreation officials apply pesticides within their parks properties. Some of you are very concerned that this bill as amended in the Senate Ways & Means Committee is an unfunded mandate. Others have you have let it be known that your folks support the bill. Others are just monitoring **5253**, which remains in Senate Rules.
- **SSB 5332, clarifying equipment requirements for wheeled all-terrain vehicles (WATVs):** This bill prime-sponsored by Sen. Mike Padden (R-Spokane Valley/4<sup>th</sup> Dist.) is in the Senate rules Committee. The bill clarifies the equipment requirements for WATVs both for public road usage and off-road usage.
- **SB 5371, funding public health services through a statewide sweetened beverage tax:** This measure by Sen. Robinson received a courtesy hearing last Monday in the Senate Health & Long-

Term Care Committee. As I shared above, **SSB 5149** is more likely to be the ‘vehicle’ for foundational public health funding in 2021. **5371** would have imposed a tax of \$0.0175 per fluid ounce. Beginning July 1, 2022, and every July after, it would have increased the tax by the CPI inflation rate.

- **HB 1039, reporting on, updating, and expanding deployment of existing government programs that provide education on bicycle and pedestrian travel:** Sec. 5(2) of this bill had been of particular concern to local governments and Washington Bikes, in that it allowed the Safe Routes to Schools program to award funding to more school districts. The House Transportation Committee chose not to move **1039**.
  - **SHB 1057, clean air enjoyment:** Rep. Gerry Pollet (D-Seattle/46<sup>th</sup> Dist.) is the prime sponsor of this bill, which is still in the House Rules Committee. The legislation modifies Clean Air Act definitions of “air pollutant” and adds the term “enjoyment of life and property” to allow individuals going to a public park, public recreational facility, or trail to register complaints with regional clean air agencies regarding properties that emit significant odors. WRPA is neutral on **1057**.
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- **SHB 1059, fireworks prohibitions:** This legislation sponsored by Rep. Joe Fitzgibbon (D-Burien/34<sup>th</sup> Dist.) is also still in House Rules. The amended **1059** allows fireworks bans to take effect immediately when doing so is necessitated by environmental conditions and other burning prohibitions are in place.
  - **SHB 1099, adding a 14<sup>th</sup> climate change goal to the Growth Management Act statutory list of goals:** This bill advanced to the House Floor Calendar last Thursday. The sponsor of **1099** worked with cities and counties on stripping some sections out of the bill to address fiscal concerns. As amended, **1099** might still have a cost to local governments of \$30-to-\$50 million per biennium – a cost that prime sponsor Davina Duerr (D-Bothell/1<sup>st</sup> Dist.), who doubles as a Bothell City Councilmember, has pledged to cover. I have a **good news** update to what I shared last week! We have an agreement with the prime sponsor of 1099, Rep. Davina Duerr (D-Bothell/1<sup>st</sup> Dist.) to integrate into a Floor Amendment language we had worked out with the Washington State Department of Transportation (WSDOT), cities, and counties to add a definition of “active transportation facilities,” as follows: **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.**
  - **2SHB 1117, integrating salmon recovery and ecological “net gain” requirements into GMA comprehensive planning:** This bill also advanced to the House Floor Calendar last Thursday and will have a “null and void” clause imbedded within it.
  - **2SHB 1213, expanding childcare and early learning opportunities for kids:** This bill by Rep. Tana Senn (D-Mercer Island/41<sup>st</sup> Dist.) advanced to the House Floor Calendar last Tuesday. We *support 1213*.
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- **ESHB 1251, wheeled ATVs on state highways:** Rep. Ed Orcutt (R-Kalama/20<sup>th</sup> Dist.) is sponsoring this bill, which passed off the House Floor last Tuesday on a 96-1 vote. **1251** expands the locations where a person may potentially operate a wheeled all-terrain vehicle on state highways to unincorporated areas with a posted speed limit of 35 miles per hour or less. It also makes the operation of a wheeled all-terrain vehicle on unincorporated stretches of state highways contingent upon the passage of an ordinance approving their operation.
  - **SHB 1322, off-road vehicle enforcement:** Rep. Sharon Wylie (D-Vancouver/49<sup>th</sup> Dist.), a vice-chair of the House Transportation Committee, is prime-sponsoring this legislation to better enforce state licensing requirements on off-road vehicles brought in from Oregon. **1322** advanced last Wednesday to the House Floor Calendar.
  - **HB 1330, electric bicycles/sales tax:** Rep. Sharon Shewmake (D-Bellingham/42<sup>nd</sup> Dist.), is the sponsor of **1330**, which is in the House Rules Committee. It would provide a sales tax exemption on purchases of new electric bikes and up to \$200 in related cycling equipment.
  - **SHB 1331, concerning early learning facility impact fees:** This bill passed off the House Floor last Wednesday by a vote of 73-25. The bill authorizes cities to reduce or waive impact fees for early learning centers. We also worked with prime sponsor Kirsten Harris-Talley (D-Seattle/37<sup>th</sup> Dist.) on amendment language to help ensure early learning centers would not be assessed disproportionately higher impact fees than comparable (*in terms of trips generated*) commercial or retail facilities.

- **SHB 1431, encouraging youth participation in fishing and shellfishing:** This bill by newly elected Rep. Alicia Rule (D-Bellingham/42<sup>nd</sup> Dist.) remains in House Appropriations. It likely would need to be called out in the Operating Budget to have any chance.
  - **HB 1435, authorizing local authorities to implement bicycle tour permits:** This bill sponsored by Rep. Joel Kretz (R-Wauconda/7<sup>th</sup> Dist.) never received a vote in committee and has 'died' for this Session. The bill enabled a rural county to adopt an ordinance requiring a bicycle tour permit for use of public roads, trails, and paths within the county by groups of six or more bicyclists that are not family members and who do not reside in the same household.
  - **HB 1466, promoting access to outdoor education:** This bill by Rep. Alicia Rule (D-Bellingham/42<sup>nd</sup> Dist.) would direct the Office of the Superintendent of Public Instruction (OSPI) to establish a pilot project for outdoor, nature-based education programs in public schools. The pilot project would have to begin in the 2021-22 school year. **1466** remains in House Appropriations. Like **1431** above, its hopes may rest with the Operating Budget.
  - **HB 1523, concerning renewal of the sales and use tax for Transportation Benefit Districts (TBDs):** This bill passed by a strong vote out of the House Transportation Committee last Monday. **1523** is now in the House Rules Committee. It would allow TBDs to renew 10-year sales tax authorizations for an additional 10 years by a vote of the people.
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