

**WEEK 7 REPORT ON 2020 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/2/2020

Budgets everywhere, bills hoping to be spared, and spring in the air. Those were some of the big happenings as the Legislature raced through Week 7 and entered the final homestretch of this 60-day, 2020 Legislature.

A marathon Monday of public hearings and up-or-down votes – *especially* in Senate Ways & Means and House Appropriations – will mark the last major day of committee action for this Session. After Monday, the Senate and House will shift primarily to Rules Committee and Floor Calendar activities, except for a handful of budget-related bills that may need to be moved quickly through fiscal committees.

We're now at a point where both the Senate and House have passed Operating Budgets, while 2020 Capital and Transportation budgets have moved unanimously (**ESSB 6248**) or nearly unanimously (**ESHB 2322**) off the Senate and House Floors. Negotiations on all three budgets are expected to be straightforward.

For WRPA, Week 7 was a fantastic one! Our priority local parks funding options bill received a Senate Ways & Means Committee hearing last Wednesday and passed out of the Committee on Friday. Additionally, both 2020 Capital Budgets keeps all dedicated outdoor recreation accounts fully intact, and amendments to the House version fixed a previous mistake with the Youth Athletic Facilities (YAF) list of projects.

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 8 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*) Yahoo! I would like to give a huge thanks to Poulsbo Parks & Recreation Director Mary McCluskey, Monroe Parks Director Mike Farrell, Monroe's on-the-ground lobbyist Trevor Justin, and Metro Parks Tacoma's lobbyist TK Bentler for their help on **ESHB 2625**! The bill had a hearing last Wednesday and we worried about some of the questions we received on the legislation. However, with Senate Floor Leader Marko Liias (D-Edmonds/21st Dist.) and Sens. Keith Wagoner (R-Sedro Woolley/39th Dist.), Karen Keiser (D-Des Moines/33rd Dist.), and Steve Conway (D-Tacoma/29th Dist.) pitching in, **2625** received a positive vote out of Ways & Means on Friday night! The bill, prime-sponsored by Rep. Carolyn Eslick (R-Sultan/39th Dist.), now goes to the Senate Rules Committee. We now need to pour our energies into getting the bill 'pulled' to the Senate Floor Calendar for a final Floor vote this coming week. My appreciation to all of you who have been so helpful forwarding this priority bill.

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

(*Operating Budget*) As reported, the \$50,000 allocation for the outdoor recreation sector economic study is good to go. Separately, the House-passed Operating Budget (*Striking Amendment to ESSB 6168*) contains a \$75,000 allocation for an outdoor recreation investment study, with a report due to the Legislature by Nov. 30, 2020. Here's the language for it, spearheaded by House Housing, Community Development, & Veterans Committee Chair Cindy Ryu (D-Shoreline/32nd Dist.):

Sec.304(8) Proviso for the Recreation and Conservation Office to support the efforts of the Outdoor Recreation Legislative Roundtable:

(8) (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; (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 the Floor-passed **ESSB 6248** and the Committee-passed **SHB 2324**, neither the Senate nor the House attempted to diminish or re-purpose any dedicated outdoor recreation accounts. The one thing that gave us temporary heartburn was a YAF project list that erroneously provided either partial or “alternate” funding for projects in Everett, Kent, Marysville, and Seattle. We worked with the RCO and testified to the error. The House Committee Amendment fixes it and those projects are back to being funded as expected!

“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 – EHB 2797:** After passing off the House Floor a week ago, **EHB 2797** by House Appropriations Vice-Chair June Robinson (D-Everett/38th Dist.) and Rep. Nicole Macri (D-Seattle/43rd Dist.) passed out of the Senate Housing Stability & Affordability Committee last Friday. **EHB 2797** 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. **2797** now proceeds to the Ways & Means Committee, where it is scheduled for a Monday public hearing – and hopefully a committee vote as well.
- ✓ **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 was heard last Thursday and is due for a House Finance Committee vote today (Monday). The King County-only bill has been rewritten and now authorizes a payroll tax of up to .28 percent with an additional .1 percent that “participating cities” of 50,000 population or more may impose as well. The taxes would be 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 \$5 million in worldwide gross receipts would be exempted. Of the .28 percent, 20 percent of the funds would go in direct per-

capita-population distributions to the 50,000+ population cities; 10 percent would be used for a small city grants program; 10 percent would go toward behavioral health; and 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 and the remaining 55 percent split between South King County and North/East King County. The remaining 10 percent would go directly to King County for behavioral health services. There is now also a business taxing pre-emption clause in Sec. 4 of the bill, which is not time-limited and thus makes cities very nervous.

- ✓ **HB 1590, allowing a 0.1 percent local sales tax for affordable housing/homelessness to be imposed by councilmanic authority:** This bill had a hearing last Thursday in the Senate Local Government Committee, then passed out of the Committee on a 3-2 party-line vote. 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 keeps moving.
- ✓ **Accessory Dwelling Units (ADUs) – ESSB 6617 prohibiting certain parking requirements and HB 2630/SSB 6231 providing a three-year property tax exemption for ADU construction; and SHB 2343 incentivizing cities to increase the supply of urban housing:** The Legislature is trending away from mandates-driven bills – and toward incentives bills - on ADUs and density. The one remaining ADU bill is **ESSB 6617**, which passed out of the House Environment & Energy Committee last Thursday on a 10-1 vote. It is now pending in the House Rules Committee. The only mandate left in the bill is a prohibition on requiring off-street parking if an ADU is within ¼-mile of a bus stop that is served by high-frequency transit. Most cities can live with this. Meanwhile, **SHB 2343**, which adds incentives options to the 2019-enacted **ESHB 1923**, passed unanimously out of the Senate Housing Stability & Affordability Committee last Friday. **HB 2630/SSB 6231**, which would provide a 3-year property tax exemption for ADU construction, is very much alive and kicking – the House version passed unanimously out of the House Finance Committee last Thursday, while the **6231** version awaits a Monday Senate Ways & Means Committee vote today (Monday).
- ✓ **Bills to extend the Multi-Family Tax Exemption (MFTE) 8-year and 12-year property tax exemption program – HB 2950:** Other more ambitious bills have ‘died’ for the 2020 Session, leaving **2950** as the only legislative option remaining. The bill, which is due for a House Finance Committee vote on Monday, 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. Cities and developer interests are seeking amendment language to ensure the Work Group list of topics includes increasing and promoting density.
- ✓ **SHB 2649, Governor-request legislation on homeless shelter capacity:** This bill did not clear the House Floor Calendar by the Feb. 19 cutoff deadline. Further, it was not referenced in the House’s Operating Budget and thus it appears to be ‘dead’ for the 2020 Session. 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 would have directed 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 unanimously out of the Senate Housing Stability & Affordability Committee last Friday with language that is much more workable for cities and counties. The bill already had grandfathering language in it that allows cities and counties to continue to use their approved ordinances governing encampments on religious properties. The Senate Committee Amendment changes a prior notice provision that gave cities and counties only 48 hours to publish information regarding public meetings on encampment proposals. The new language indicates that “*The religious organization must provide written notice of the meeting to the city legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting.*” It then gives cities and counties a list of actions – such as signage or delivering meeting information to newspapers or a website posting – that they can take to ensure the public is made aware of the pending meeting.

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

(Policy Bill) As previously reported, 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. The Big Tent did not have a rally or event this Session but conducted weekly conference calls and actively participated in an Outdoor Recreation Caucus that meets every Thursday.

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: House budget includes \$4 million in new “Foundational Public Health funds”;
- ✓ Bicycle and Pedestrian Grant, Safe Routes to Schools, and “Complete Streets” funding in the Transportation Budget: Transportation Budgets keep these funds mostly intact but sweep unspent ‘Complete Streets’ funding as a way to help achieve \$453 million in Initiative 976-driven cuts;
- ✓ Dedicated accounts and grant programs in the Capital Budget such as WWRP, YAF, ALEA, NOVA, BFP. All 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. Both the Senate-passed and House-passed versions of the 2020 Operating Budget (**ESSB 6168**, and House Striking Amendment to **ESSB 6168**), include the additional \$500,000!

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 ‘dead’ for the 2020 Session. It would have increased the Discover Pass annual fee to \$35. WRPA **supported** this bill, which may return 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, 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 this bill. It moved unanimously out of the House Local Government Committee last Wednesday with a narrowing amendment that restricts the bill’s application to Clark County only and time-limits it (*the road vacation would have to occur by Dec. 31, 2023*). A North Clark County roadway along the Lewis River is what triggered the bill in the first place. **5613** is now in the House Rules Committee.
- **SSB 5692/2SHB 1708, Fishing and Hunting License Fees:** This bill was hotly debated during the 2019 Session but never gained traction in 2020. The Operating Budgets are looking to provide funding levels keep WDFW’s budget from taking too big of a hit.
- **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:** Here's the latest on these bills:
 - ✓ **SSB 6114** never received a Senate Floor vote and has '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 but never received a House Transportation hearing – so, barring major action today (Monday), it too will 'die.'
 - ✓ **SB 6363** allows ATVs to also be registered as snowmobiles. **6363** had a hearing last Wednesday in House Transportation and is up for a committee vote today (Monday).
 - ✓ **HB 2447** would have enabled new categories of off-road vehicles entering the market to be labeled as wheeled ATVs. This bill has '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 had a Senate Transportation hearing last Wednesday and is due for a committee vote this afternoon (Monday).
- **SSB 6208, allowing bicyclists to yield at stop signs when no other traffic is present or approaching:** This Senate-passed bill had a hearing last Saturday in the House Transportation Committee and is expected to be voted upon this afternoon. **6208** 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 require a stop at all times in areas where there are railroad tracks or where a school bus displays its red lights.
- **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. A provision from them remains as a potential Floor Amendment to **SHB 2804**, a Local Revitalization Financing (LRF) legislation that is a priority for the Association of Washington Cities (AWC). 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 plans to address this issue through an update to an Executive Order that helps regulate archeological resource reviews.
- **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-approved bill passed unanimously last Tuesday out of the House Housing, Community Development & Veterans Committee. It is now in the House Rules Committee. The bill, and the Senate's Operating Budget, 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 had a hearing last Friday in

Senate Ways & Means and is due for a committee vote today (Monday). 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 '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 have extended 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) and never received a hearing in the Senate Agriculture, Water, Natural Resources & Parks Committee. It is 'dead' for the 2020 Session, but likely will be a topic of interim discussions convened by House Housing, Community Development, & Veterans Committee Chair Cindy Ryu (D-Shoreline/32nd Dist.).
- **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 stand ready to help.
- **EHB 2501, allowable uses for the multi-use roadway safety account:** This bill had a hearing last Wednesday in Senate Transportation and is up for a committee vote today (Monday). **2501** flexes 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.
- **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. **2571** advanced last Monday to the Senate Rules Committee.
- **HB 2587, establishing a program for the designation of state scenic bikeways:** This House-passed bill had a hearing last Saturday in Senate Ways & Means and will be up for a committee vote this afternoon. 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 passed out of the Senate Ways & Means Committee last Saturday after having been heard the day before. It 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.
- **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 funded in the House-passed budget. It received a hearing last Saturday in Senate Ways & Means and is due for a committee vote this afternoon.
- **EHB 2811, establishing a statewide environmental sustainability education program:** This bill passed out of the Senate Early Learning & K-12 Education Committee last Monday with seven (7) yes votes and two Senators voting 'without recommendation.' **2811** is now in Senate Rules.
- **HB 2915, increasing the relevant taxes to fully fund the foundational public health services account:** This bill has 'died' as a stand-alone measure, but the House-approved Operating Budget *does* include \$4 million in new funding for foundational public health services.