

WEEK 8 REPORT ON 2021 SESSION OF THE LEGISLATURE & WEEK 9 HEARINGS LIST
For WRPA President, Executive Board, Executive Director, Legislative Committee

Doug Levy – 3/8/2021

No votes to spare (*in both Washingtons*), and deteriorating Seattle thoroughfares were a couple of the major themes and backdrops in Week 8 as the Legislature breezed past the halfway point of the 2021 Session.

The ‘no votes to spare’ scenario played out coast-to-coast over the weekend. First, the U.S. Senate passed by a 50-49 vote a \$1.9 trillion COVID-19 relief package that includes \$350 billion in assistance for ailing states and local governments. A day later, on a razor-thin 25-24 tally, the State Senate approved a controversial capital gains tax that will likely face a legal challenge if and when passed.

All that came after Governor Inslee used the plight of the West Seattle, Ship Canal, and University Bridges as a rallying cry to urge the Legislature to invest more in transportation, particularly on the maintenance and preservation front. *New York Times* and *Seattle Times* coverage of these three happenings is here:

[Divided Senate Passes Biden’s Pandemic Aid Plan \(msn.com\)](#)

[After fierce debate, Washington State Senate approves new tax on capital gains by one vote | The Seattle Times](#)

[Inslee calls for more spending on Washington state highway, ferry maintenance | The Seattle Times](#)

As for WRPA, we had a very good week, with House passage of bills to protect park districts against property tax pro-rationing and a climate change/Growth Management Act bill that adds an explicit trails definition into state statute.

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 also a Week 9 hearings list – everything this upcoming week is “track/monitor” for us.

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) I meet Thursday with House Finance Chair Noel Frame (D-Seattle/36th Dist.) to see if there is any chance – however remote – that these bills can be kept alive as “Necessary to Implement the Budget.” As I shared, I am not optimistic. **HB 1025/SB 5006** got caught up in a larger philosophical debate how to promote more “progressive” revenues vs. advancing bills (ours and several others) with a sales tax funding tool considered “regressive.” That said, we have been told that if the Legislature passes a Working Families Tax Credit bill (**HB 1297**), our case for the local options bill will be much, much stronger in 2022.

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

(Operating Budget) With U.S. Senate action over the weekend on President Biden’s \$1.9 trillion COVID relief package, we are now just one U.S. House vote away from seeing states and local governments receive \$350 billion in COVID-19 revenue relief. I have heard that for our state, it would likely yield anywhere from \$4 billion to \$7 billion in new revenues – which may make the case on Capital Gains even more challenging in to present. Cities and counties nationwide will share over \$100 billion of that revenue relief. This is very good news for those of you with city- and county-run parks agencies.

***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 likely will be late March before 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 YAF, 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) Good news! Last week, **1034** prime-sponsored by Rep. Joe Fitzgibbon (D-Burien/34th Dist.) moved to the House Floor Calendar and then passed the House on a 53-45 vote. **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. Metro Parks districts are already in that 50-cent gap, just ahead of where Parks and Recreation Districts are placed in the pro-ration order under **HB 1034**.

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

(Capital Budget) No news here. 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 advocates regarding a Section 961 provision of the *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) We are now working to get a House Health Care & Wellness Committee hearing on this bill, which has already cleared the Senate. We have recommended to our prime sponsor, Sen. T'wina Nobles (D-University Place/28th Dist.) that it will be important for her to make a direct appeal to House Health Care Chair Eileen Cody (D-Seattle/34th 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 bill doesn't mandate what a Parks Rx program should include. It establishes 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 skinny list of live bills we are tracking in this space:

- **E2SSB 5287, making changes to the Multi-Family Tax Exemption (MFTE) program for multi-family housing projects:** This compromise bill passed the Senate last Tuesday on a resounding 43-5 vote. The compromise worked out among cities, the Washington Low-Income Housing Alliance, and others preserves the 8-year property tax exemption program that many jurisdictions 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. There are also new reporting requirements in **E2SSB 5287**.
- **ESSB 5235 applying to Accessory Dwelling Units (ADUs):** 5235 is due for a Wednesday hearing in the House Local Government Committee after clearing the Senate. Some cities 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. Even with the Amendment, some cities have emerged to continue to oppose **5235** – so we will see what happens next.
- **ESHB 1070, providing updated and expanded authority for the ‘HB 1590’ 1/10th of 1 cent sales tax enacted in 2020:** This bill by Rep. Cindy Ryu (D-Shoreline/32nd Dist.) will be heard Wednesday in the Senate Housing & Local Government Committee after clearing the House. The bill explicitly allows ‘1590’ monies to be used for the acquisition of properties for things such as permanent supportive housing. **ESHB 1070** also expands the use of funding toward those experiencing homeless to include homeless *individuals*.
- **E2SHB 1220, supporting emergency shelters and housing through local planning and development regulations:** The House passed this bill Wednesday night, by a 57-39 party-line vote (*two House Republicans were absent*). The Association of Washington Cities (AWC) and a number of individual cities have concerns with broad pre-emption language in Sections 3-4 of what is otherwise a helpful piece of legislation.

***“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. As reported previously, please e-mail me if you are interested in attending or knowing more. The Big Tent also is doing weekly policy calls during the Session. Lastly, we in local parks participate in weekly meetings of the Outdoor Recreation Caucus (ORC).

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

(Capital Budget) We are hoping that on this one, no news is good news. We thank Sens. Judy Warnick (R-Moses Lake/13th Dist.) and Liz Lovelett (D-Anacortes/40th Dist.) and Reps. Sharon Shewmake (D-Bellingham/42nd Dist.), Alex Ramel (D-Bellingham/40th Dist.), and Marcus Riccelli (D-Spokane/3rd 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)

Transportation new-revenue packages in the House and Senate – No bill numbers yet: I still do not have bill numbers or formal proposals to report on, but the Governor’s endorsement Friday of new transportation investment lends a shot in the arm to the likelihood of a 2021 package. In the meantime, one more time for my list 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 high-water mark. 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 carbon funding. The House is leaning on a per-ton carbon fee in its proposal, while the Senate Transportation Chair has zeroed in on using a “cap and invest” bill (**SSB 5126**) that generate more than \$5 billion over a 16-year timeframe. 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 their majority packages when bills are formally introduced. Sen. King’s proposal does not call out local funding options.
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- **SB 5016, all-terrain vehicles:** This bill by Sen. Judy Warnick (R-Moses Lake/13th Dist.) passed unanimously out of the Senate last Thursday. It 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.
 - **E2SSB 5052, creation of “health equity zones”:** The WRPA is in *support* this legislation sponsored by Sen. Karen Keiser (D-Des Moines/33rd Dist.). **5052** has cleared the Senate and awaits a hearing in the House Health Care & Wellness Committee. The revised bill allows 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/32nd Dist.) prime-sponsored this one, which has “died” 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 5063, Concerning the expiration date of the invasive species council: My ‘bad’ for not having added this bill, which** extends by 10 years the life of the Washington State Invasive Species Council -- from June 30, 2022, to June 30, 2032. The Recreation and Conservation Office (RCO) request bill passed the Senate unanimously last Tuesday.

- **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 adamant local government opposition and ‘died’ in committee. **5110** never moved after a Jan. 21 hearing; **1440** never received a public hearing.
 - **SB 5149/HB 1201, Funding Foundational Public Health Services:** The Senate bill remains in the Ways & Means Committee and could still be “NTIB.” 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:** This bill remains on the Senate Floor Calendar and our colleagues with the Washington Wildlife & Recreation Coalition (WWRC) have sent out an “action alert” to try and get it moved by the end-of-Tuesday cutoff deadline. Sen. Warnick is the sponsor of this year’s version of the PILT bill. Under the bill, the state treasurer, on behalf of WDFW, must distribute PILT to counties by April 30 of each year on game lands.
 - **SB 5176, HB 1018 – Boating safety:** These bills are “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:** This bill passed unanimously off the Senate Floor last Wednesday and moves to the House. WRPA is taking a neutral stance at this point. **5253** would impact the way local parks and recreation officials apply pesticides within parks properties. Some of you are concerned that this bill as amended in the Senate Ways & Means Committee is an unfunded mandate. Others have shared support for the bill and still others are in monitoring mode.
 - **SSB 5332, clarifying equipment requirements for wheeled all-terrain vehicles (WATVs):** This bill prime-sponsored by Sen. Mike Padden (R-Spokane Valley/4th Dist.) advanced last Monday to the Senate Floor Calendar. 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 but is ‘dead’ for the 2021 Session. **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. **1039** has ‘died’ for the Session.
 - **SHB 1057, clean air enjoyment:** Rep. Gerry Pollet (D-Seattle/46th Dist.) is the prime sponsor of this bill. Because it is still in the House Rules Committee with the cutoff deadline looming Tuesday, it is in jeopardy of ‘dying’ for the Session. 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/34th Dist.) remains in House Rules and is thus in jeopardy of ‘dying’ at the cutoff deadline. 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.
 - **E2SHB 1099, adding a 14th climate change goal to the Growth Management Act statutory list of goals:** This bill passed off the House Floor by a 56-41 vote last Friday after a spirited debate as to whether climate change belonged in a GMA bill. Section 15 of the legislation includes a “null and void” clause, meaning it would not go into effect if the Legislature’s budget does not include specific

funding for implementing the provisions of **1099**. Our nice win was to get language included in the **1099** Floor striker to explicitly recognize trails in an “active transportation facilities” definition in state statute. Here’s the language: “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.”

- **E2SHB 1117, integrating salmon recovery and ecological “net gain” requirements into GMA comprehensive planning:** This bill passed off the House Floor last Tuesday by a vote of 58-38. It, too, has a null-and-void clause, in Section 11.
 - **2SHB 1213/E2SHB 5237, expanding childcare and early learning opportunities for kids:** While the House bill remains on the Floor Calendar, the Senate version passed 28-21 on Saturday. We *support* these companion bills.
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- **EHB 1251, wheeled ATVs on state highways:** Rep. Ed Orcutt (R-Kalama/20th Dist.) is sponsoring this bill, which has already cleared the House and awaits a hearing in Senate Transportation. **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/49th 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** passed unanimously off the House Floor last Tuesday.
 - **SHB 1330, electric bicycles/sales tax:** Rep. Sharon Shewmake (D-Bellingham/42nd Dist.), is the sponsor of **1330**, which advanced last Tuesday to the House Floor Calendar. 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:** Having already cleared the House, this bill has now been scheduled for a Thursday hearing in the Senate Housing & Local Government Committee. 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/37th 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/42nd Dist.) is “dead” as a stand-alone measure and would need to be funded 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/7th Dist.) 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.
 - **HB 1466, promoting access to outdoor education:** This bill by Rep. Alicia Rule (D-Bellingham/42nd 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** is “dead” as a stand-alone bill – we will wait to see if it gets into the Operating Budget.
 - **HB 1523, concerning renewal of the sales and use tax for Transportation Benefit Districts (TBDs):** This bill advanced to the House Floor Calendar last Tuesday. 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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