

**WEEK 8 REPORT ON 2020 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/9/2020

Week 8 featured debates on sex education and sports wagering, a success or sayonara reckoning for bills, and a race for Sine Die. There are only four (4) days of legislative action left as lawmakers move briskly toward the Thursday, March 12, final day of their 60-day Session.

The sex education debate I referenced came last Tuesday night. Incredibly, a whopping 216 Floor Amendments – nearly all filed by House Republicans – were put forth on **Engrossed Substitute Senate Bill 5395**, requiring public schools to provide comprehensive sexual health education to each student by the 2022-23 school year. In the end, only about 30+ of the amendments were considered and none of them were adopted. **5395** passed on a 56-40 party-line vote and the Senate concurred with House revisions to the bill on Saturday, so it is headed for the Governor.

The rhetoric was just as intense in the Senate a day later with **Engrossed Substitute House Bill 2638**, establishing sports wagering in our state for the first time ever. The most controversial parts of **2638** involve a legislative decision to locate sports wagering only at Tribal casinos, and to put an emergency clause on the legislation that prevents a referendum effort in the public once it is signed into law. The Senate passed **ESHB 2638** by a 34-15 vote and the House approved revisions by the Senate two days later. It, too, is headed for the Governor's desk to be signed into law.

You can see news media coverage of these two bills, and the back-and-forth on them, here:

<https://www.thenewstribune.com/news/politics-government/article240908881.html>

<https://www.seattletimes.com/sports/senate-passes-sports-gambling-bill-for-washington-state-tribal-casinos/>

While sparks flew on the two bills I referenced above, hundreds of other pieces of legislation danced through a fire drill of Rules Committee consideration and Floor action as lawmakers determined whether they remained alive or not.

We now head into a final four days of Session where negotiated final versions of the state's Supplemental Operating (**ESSB 6168**), Capital (**ESSB 6248**), and Transportation (**ESHB 2322**) budgets will emerge, where lawmakers will move a select group of bills tied to those budgets, and where both the Senate and House will decide whether to concur with or dispute changes to their bills made in the "opposite chamber."

For WRPA, Week 8 was, unfortunately, a disappointing one. Our priority local parks funding options bill was one step away from a Senate Floor vote that would have meant full passage through the Legislature. Unfortunately, due primarily to a lack of Republican votes for a bill prime-sponsored by a House Republican, it was not to be. I am very discouraged by that, but I'm certainly not giving up – and nor should any of you!

Here is my overview of WRPA priorities and support items (Pg. 2-3), 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. Because there is only one Week 9 hearing of note – this afternoon's meeting of the Senate Ways & Means Committee – I've listed it at the bottom of this report (Pg. 7). There are two bills of interest that I recommend we monitor.

Top Priorities

Provide Local Parks and Recreation Agencies with new Funding Options to Address Vital M&O and Preservation Needs and to Enhance Economic Development: *(Policy/Fiscal Bill)* Ugh. We came to a very disappointing conclusion on **ESHB 2625**, but it's also fair to note that we made an enormous amount of progress during the 2020 Session. In 2019, our bill cleared one policy committee and 'died' without a hearing in the House Finance Committee. In 2020, the **2625** legislation and a companion moved through two policy committees and two fiscal committees and passed the House Floor on a 72-24 vote. While we are not able to point any of you to a bill signing, we have something important to build on. I would like to give a huge thanks to the legislators, Parks & Recreation Directors and staff, and lobbyists who provided significant assistance and "boots on the ground" support for **2625**: Prime Sponsor Carolyn Eslick (R-Sultan/39th Dist.); Sens. Marko Liias (D-Edmonds/21st Dist.), Christine Rolfes (D-Bainbridge Island/23rd Dist.), Keith Wagoner (R-Sedro Woolley/39th Dist.), and Dean Takko (D-Longview/19th Dist.); Reps. Gael Tarleton (D-Seattle/36th Dist.) and Gerry Pollet (D-Seattle/46th Dist.); Parks & Recreation Directors and staff Mike Farrell (Monroe), Joe Brady (Metro Parks Tacoma), Jennifer Burbidge (Lacey), Paul Simmons (Olympia), Roxanne Miles (Pierce County), and Mary McCluskey (Poulsbo); and lobbyists Trevor Justin (Monroe), TK Bentler (Metro Parks Tacoma), and Bryan McConaughy (Poulsbo, Bremerton). I'm sure I'm leaving out some, but the folks above made a huge collective impact and deserve our thanks.

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 a done deal. The other thing we're waiting on is whether the final 2020 Operating Budget includes a \$75,000 allocation that was in the House-passed version for an outdoor recreation investment study. That study calls for a report and recommendations to the Legislature by Nov. 30, 2020. Here's the language, 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 can rest assured that the final version of the 2020 Supplemental Capital Budget (**ESSB6248**) will not include any re-directed, re-purposed, or transferred funds from the dedicated outdoor recreation accounts. The one potential worry was a Youth Athletic Facilities (YAF) project list that erroneously provided either partial or “alternate” funding for four (4) projects (*Everett, Kent, Marysville, and Seattle*). We worked with RCO and testified to the error. A House Committee Amendment fixed the problem.

“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 a hearing the Senate Ways & Means Committee last Monday, we are hoping for a committee vote today on **EHB 2797** by House Appropriations Vice-Chair June Robinson (D-Everett/38th Dist.) and Rep. Nicole Macri (D-Seattle/43rd Dist.). **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.
- ✓ **HB 2948: imposing a payroll tax of up to 0.38 percent on King County employers (.25 countywide, .13 percent local option for cities of 75,000+) based on their employees earning \$150,000 a year or more:** This bill ‘died’ last week without clearing the House Finance Committee or coming up for a House Floor vote. The very latest versions of the bill we saw were designed to strike a balance between what Microsoft wanted (*no more than a .25 percent countywide rate*) and what Amazon wanted (a high enough rate to pre-empt Seattle from doing its own ‘head tax’). Ultimately, the bill was doomed by the pre-emption issues, the lack of information about how it would work and who it would impact, and differing perspectives within the business community.
- ✓ **HB 1590, allowing a 0.1 percent local sales tax for affordable housing/homelessness to be imposed by councilmanic authority:** While the payroll tax bill stalled, a late push by housing interests, cities, counties and others has **1590** on the verge of becoming law. The bill passed off the Senate Floor Friday by a 27-21 vote and needs a final House concurrence before it goes to the Governor. 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 changes voter-approval to *councilmanic* authority. The amended version of the bill specifies that in King County, the full 1/10th of 1 cent councilmanic sales tax may only be imposed if the county invests at least 30 percent of the revenue raised in cities of 60,000 and over population (*Seattle, Bellevue, Kent, Renton, Federal Way, Kirkland, Auburn, Sammamish, Redmond*) on housing/homelessness projects, programs and activities in those cities.
- ✓ **Accessory Dwelling Units (ADUs) – ESSB 6617 prohibiting certain parking requirements and HB 2630/2SSB 6231 providing a three-year property tax exemption for ADU construction:** Last Friday, by a vote of 94-3, the House approved a scaled-back version of **6617**. The Floor Amendment on the bill offered by House Environment & Energy Committee Chair Joe Fitzgibbon (D-Burien/34th Dist.) prohibits cities from requiring off-street parking if an ADU is within ¼-mile of a bus stop that is served by high-frequency transit (every 15 minutes). As for the property tax exemption bills, **2630/6231**, they are stuck in their respective Rules Committees and may be ‘dead.’
- ✓ **SHB 2343 incentivizing cities to increase the supply of urban housing:** With a 36-11 Senate vote last Monday and a 92-5 House concurrence vote on Saturday, this one is headed to the Governor for signature. The passage of **2343** marks another helpful development in the effort by cities and counties to promote *incentives*, rather than *mandates*, to increase density and housing supply. **2343** takes the concept of planning grants to enhance density and housing, first passed in 2019 under **ESHB 1923**, to a whole new level. It adds 14 new options around housing types, SEPA exemptions, administrative approval of final plats, permit processing timelines, and more. It also adds four specific options four adding to the supply of ADUs. And it extends by two years the GMA and SEPA appeals protection for cities that use the ‘1923’ grants approach.

- ✓ **Bills to extend the Multi-Family Tax Exemption (MFTE) 8-year and 12-year property tax exemption program – SHB 2950:** While more comprehensive and substantive “MFTE” bills hit the cutting room floor this Session, **2950** has a chance to reach the finish line. It passed off the House Floor on Saturday by a 93-4 vote and will be heard Monday afternoon in the Senate Ways & Means Committee. The bill would extend until Dec. 31, 2021 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 included language to ensure the Work Group list of topics includes increasing and promoting density.
- ✓ **ESHB 1754, hosting of the homeless by religious organizations:** This bill is en route to the Governor for signature, following a 42-7 Senate vote last Monday and a unanimous House concurrence vote on Saturday. The House concurred with Senate amendments that make **1754** workable for cities. The bill has grandfathering language in it that allows cities and counties with ordinances governing encampments on religious properties, to continue to use those. A Senate Committee Amendment changes a prior notice provision regarding special meetings – only 48 hours -- that gave cities and counties some heartburn. The new language provides at least one week if possible and no less than 96 hours. Cities/counties are then asked to take at least two actions (*such as website posting, signage, information to newspapers, etc.*) to advertise the special 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 regulatory 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 met 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 as budgets finalize:

- ✓ 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 2020 Capital Budget, **ESSB 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 be brought 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, 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. She's on the verge of reaching the finish line with a narrowly-crafted measure that needs one final Senate concurrence. **5613** as amended passed the House 93-3 last Monday. The narrowing amendment 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 led to the bill coming forth.
- **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 will provide funding levels that keep WDFW's budgets from suffering big setbacks.
- **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:
 - ✓ **SB 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 – it too is likely 'dead.'
 - ✓ **SB 6363** allows ATVs to also be registered as snowmobiles. **6363** may also be 'dead.'
 - ✓ **HB 2447** would have enabled new categories of off-road vehicles entering the market to be labeled as wheeled ATVs. This bill '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 has still not passed but may be tied to budgets.
- **SSB 6208, allowing bicyclists to yield at stop signs when no other traffic is present or approaching:** After a 77-20 House vote last Tuesday, this bill has passed the Legislature and heads to the Governor. **6208** allows bicyclists to treat a stop sign as a yield sign in situations where there is no other traffic around or approaching. This authority would *not* extend to 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 on Tribal consultation remains in House-passed **ESHB 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 Governor's Office plans to address this issue by updating an Executive Order that helps regulate archeological resource reviews.
- **SB 6541/HB 2767, establishing designated recreational target shooting areas on public lands:** These Department of Natural Resources (DNR) request bills '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. We will meet over the interim 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 bill passed unanimously out of the House last Monday and has passed the Legislature. It now heads to the Governor for his signature. 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:** The Senate approved this bill 48-1 on Saturday and it has now passed the Legislature. It goes to the Governor to be signed into law. **1293** 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 then 'died.'
- **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) but 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.
- **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 '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 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. WRPA will be prepared to help.
- **EHB 2501, allowable uses for the multi-use roadway safety account:** This bill is on the Senate Floor Calendar waiting to be voted upon. It may be tied to budgets and thus remains alive. **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:** The Senate unanimously approved this legislation last Monday and so it has passed the Legislature and heads to the Governor. **2571** 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.
- **HB 2587, establishing a program for the designation of state scenic bikeways:** This bill passed 46-2 off the Senate Floor on Friday and needs one more House concurrence before it heads to the Governor for signature. Freshman Rep. Alex Ramel (D-Bellingham/40th Dist.), 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 on a 48-1 vote last Wednesday and needs one more House concurrence before it heads to the Governor's desk. It changes current law requiring a unanimous vote when the Commission wishes to establish leases of more than 20

years. **2601** as amended in the Ways & Means Committee changes the threshold to a five-vote majority. The bill also extends the maximum lease term from 50 to 80 years.

- **SHB 2768, concerning urban and community forestry:** This House-passed bill remains on the Senate Floor Calendar. It is tied to the House Operating Budget and thus remains alive. The 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.
- **EHB 2811, establishing a statewide environmental sustainability education program:** This bill passed unanimously off the Senate Floor last Friday and needs one more House concurrence before it goes to the Governor. Freshman Rep. Jesse Johnson (D-Federal Way/30th Dist.) is the prime sponsor.
- **HB 2915, increasing the relevant taxes to fully fund the foundational public health services account:** This bill 'died' as a stand-alone measure, but the House-approved Operating Budget *does* include \$4 million in new funding for foundational public health services.

Week 9 Hearing of Note – Senate Ways & Means Committee

Ways & Means - 3/9/2020 3:30 PM

Senate Hearing Rm 4
J.A. Cherberg Building

Public Hearing:

3. [ESHB 2804](#) - Addressing local government infrastructure. *MONITOR*.
6. [SHB 2950](#) - Addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until Dec. 31 2021, for certain properties currently receiving a twelve-year exemption and by convening a work group. *MONITOR*.

Possible executive session on bills heard in committee.