

**WEEK 9/FINAL WEEKLY REPORT ON 2020 SESSION OF THE LEGISLATURE
FOR WRPA EXECUTIVE BOARD, LEGISLATIVE COMMITTEE, & MEMBERSHIP**

Doug Levy – 3/16/2020

“That’s a wrap!” It’s a phrase which won’t get much use in coming weeks and months as theaters and Broadway productions and movie sets face shutdowns while the Coronavirus outbreak worsens.

But we can certainly apply that phrase to the Legislature, which finished its 2020 Session a little before 9 p.m. last Thursday. Fittingly, one of the last measures passed by lawmakers, **EHB 2965**, ramps the state’s COVID-19 emergency spending up to \$200 million, of which \$175 million will go toward slowing and stopping the outbreak while \$25 million will go into an unemployment insurance benefits account. The agreed-to **2965** legislation also allows the State Board of Education to establish an emergency waiver program to grant local and private schools flexibility from graduation requirements due to the COVID-19 outbreak.

The action on **EHB 2965** caps a 60-day Session that saw lawmakers make significant investments in affordable housing and homelessness, usher in sports wagering on Tribal reservations, institute a statewide plastic bag ban, establish a required sex education curriculum for public schools, and pass a Transportation Budget that turns the green light back on for scores of projects previously put on a “deferred” list in the wake of Initiative 976. Of course, those landmark efforts pale in comparison to a stunning series of announcements, school closures, large-gathering prohibitions, and fear-calming steps being taken by the Governor, school superintendents, county officials, and Mayors, as we combat a public health pandemic on a scale far beyond anything else we’ve seen in our collective lifetimes.

With Session over, we will now watch for a steady stream of bill signings – and doubtless a few vetoes – as bills that passed the Legislature head to the Governor. Even bill signings have been touched by COVID-19, as the Governor’s office is barring all but the bill sponsors from attending. One other note I’ll leave is a list of lawmakers leaving the Legislature, either due to retirement or running for another elected office:

- **Retirees:** Sens. Randi Becker (R-Eatonville/2nd Dist.) and Maureen Walsh (R-Walla Walla/16th Dist.); Reps. Sherry Appleton (D-Poulsbo/23rd Dist.), Richard DeBolt (R-Chehalis/20th Dist.), Christine Kilduff (D-University Place/28th Dist.), Eric Pettigrew (D-Renton/37th Dist.) and Norma Smith (R-Clinton/10th Dist.).
- **Running for other office:** Sen. Hans Zeiger (R-Puyallup/25th Dist.) – Pierce County Council; and Reps. Beth Doglio (D-Olympia/22nd Dist.) – 10th District Congress; Jared Mead (D-Mill Creek/44th Dist.) – appointed to Snohomish County Council; Mike Pellicciotti (D-Federal Way/30th Dist.) – State Treasurer; and Gael Tarleton (D-Seattle/36th Dist.) – Secretary of State.

For WRPA, Week 9 caps a 60-day Session that leaves us in status-quo mode on our local funding options, albeit with the knowledge that we came a long way and were within a single Rules Committee ‘pull’ of a final Senate vote. Importantly, too, there were a few items in the ‘small-wins’ category. There is \$50,000 in place for the state to update a 2015 study on the economic value of the outdoor recreation sector. Another \$75,000 was allocated to enable a funding strategy to be developed for outdoor recreation needs. A “LEAP List” was put in the final budget for the Youth Athletic Facilities (YAF) program, formally enabling the Recreation and Conservation Office (RCO) to fund alternative projects if any of those in the first-\$12-million bucket are for some reason unable to proceed. And, the Legislature resisted the idea of encroaching upon, moving, or raiding dedicated outdoor recreation accounts in a year where there was significantly less bonded capacity.

Here is my overview of WRPA priorities and support items (Pg. 2 through top of Pg. 4), followed by a bulletized rundown of some other legislation impacting local parks and recreation and the outdoors (Pg. 5 through top of Pg. 7). The list is in chronological order by Senate and House bills.

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)* As I reported last week, we came to an oh-so-close-but-wait-'til-next-year conclusion on **ESHB 2625**. The progress we made in 2020 gives us something important to build on in preparation for 2021. I have already reached out to many of you in an attempt to foster dialogue and ideas around other options, other prime sponsors, and more. I would like to give one last shout-out to many who gave support, testimony, advocacy energy, and their time toward the passage of **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). A sincere “thank you” to all of them and others who pitched in.

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 in hand. The final 2020 Operating Budget also includes a \$75,000 allocation for developing an outdoor recreation investment strategy. The study calls for a report and recommendations to the Legislature by Nov. 30, 2020. Here’s the language:

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) As I alluded to in the introduction of this report, the final version of the 2020 Supplemental Capital Budget (**ESSB 6248**) does *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 in the House budget 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. The final LEAP list solves the problem and gives RCO the ability to fund alternative projects if any of the 2019-funded ones are for some reason unable/not ready to proceed.

“Support/Oppose” Items

Efforts to Address Mental Health, Homelessness, Affordable Housing

(Policy Bills, Budgetary Items) In 2020, WRPA strongly supported 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 handful here:

- ✓ **SHB 1406 cleanup bill – EHB 2797:** It took until Day 60, but last Thursday the Senate voted 34-15 and the House voted 61-35 to help **EHB 2797** cross the finish line. This legislation now heads to the Governor to be signed into law. **EHB 2797** by House Appropriations Vice-Chair June Robinson (D-Everett/38th Dist.) and Rep. Nicole Macri (D-Seattle/43rd Dist.) provides important technical fixes that enable cities and counties to properly maximize the state sales tax credits in the 2019-enacted **SHB 1406** statute. It also provides cities with an extended timeline for a “Qualifying Local Tax” under the 2019 legislation, so long as they declare an intent to do so by July 28, 2020.
- ✓ **HB 1590, allowing a 0.1 percent local sales tax for affordable housing/homelessness to be imposed by councilmanic authority:** When the House concurred with Senate amendments last Monday on a 52-44 vote, this bill was on its way to the Governor. It succeeded through a major push by housing interests, the Association of Washington Cities, counties and others. **1590** 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. Under the bill, the *voter-approval* requirement is changed to a *councilmanic* authority. I do not have figures for all counties but can share that in King County, that 1/10th of 1 cent generates about \$80 million a year in revenue. Also of note for any cities in King County with a population over 60,000 (*Seattle, Bellevue, Kent, Renton, Federal Way, Kirkland, Auburn, Sammamish, Redmond*): The final version of **1590** specifies that in King County, the full 1/10th of 1 cent councilmanic sales tax may only be imposed if the county spends at least 30 percent of the revenue raised in cities of 60,000 and over population to housing/homelessness projects, programs and activities in those cities.
- ✓ **Accessory Dwelling Units (ADUs) – ESSB 6617 prohibiting certain parking requirements and 2SSB 6231 providing a three-year property tax exemption for ADU construction:** Last Tuesday, on a 41-8 vote, the Senate concurred with House amendments to **ESSB 6617** and sent it to the Governor. The final bill ends up as a very modest mandate on how local jurisdictions may regulate parking in areas served by high-frequency transit service. Specifically, cities are prohibited from imposing off-street parking requirements if an ADU is within ¼-mile of a bus stop that is served by high-frequency transit (every 15 minutes). Meanwhile, in the closing hours of Session, a day after a 44-5 vote in the Senate, the House approved **2SSB 6231** on a 94-2 vote and sent it the Governor’s way. The bill is designed to incentive ADU construction via a three-year property tax exemption.
- ✓ **SHB 2950, providing a partial extension of the Multi-Family Tax Exemption (MFTE) program and establishing a Work Group to discuss more comprehensive changes:** This bill was the one MFTE bill left standing in 2020, after more far-reaching bills ‘died.’ **2950** passed the Senate by a 42-7 vote on Thursday and it is on its way to the Governor. 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 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.

- ✓ **SHB 2343 incentivizing cities to increase the supply of urban housing:** This bill was delivered to the Governor last Wednesday. **2343** expands the 2019-enacted **ESHB 1923** list of incentives that can be used by cities seeking planning grants to enhance density and housing. 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 for adding to the supply of ADUs. Lastly, it extends by two years GMA and SEPA appeals protection for cities that use '1923' grants.
- ✓ **ESHB 2342, adjusting update timelines for GMA Comprehensive Plans and Shoreline Management Act Plans:** When the House concurred with Senate amendments last Monday on a 78-18 vote, this bill, too, was headed for the Governor's desk. I shared last week that the amended **2342** is a baby-step forward compared to the 10-year update timelines in the original legislation. The bill as enacted pushes GMA and SMA update timelines out a year.
- ✓ **SB 6212, Concerning authority of cities and counties to exceed statutory property tax limitations for financing affordable housing: for very low-income households and low-income households:** I've been negligent in reporting on this bill, which many cities and counties *supported*. **6212**, promoted by Habitat for Humanity, was delivered to the Governor last Wednesday. It allows property tax levies for affordable housing to serve individuals making up to 80 percent of Area Median Income (AMI) – as opposed to the current 60 percent maximum threshold. We view this as a positive bill for communities that want to see additional work force housing.

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

(Policy Bill) The City of Olympia is going down a non-legislative road with its initiative to ban the sale and transportation of English and Atlantic Ivy in Washington State. Stay tuned.

"Big Tent" Outdoor Recreation Coalition

(Budgetary, Policy Items) WRPA strongly supported 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 strived 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 can report on:

- ✓ Public Health District funding -- Operating Budget: Final budget includes \$6 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. The final version of the 2020 Operating Budget (**ESSB 6168**) includes the additional \$500,000!

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

(Policy Bill) **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 and thus 'died.' It would have increased the Discover Pass annual fee to \$35. WRPA *supported* this bill, which may well be brought back in 2021.

Other Bills WRPA Tracked

(NOTE: If you are aware of bills above and beyond this list, please let me know about them and I can relay information to our WRPA Legislative distribution list. Just 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 two Sessions, Sen. Ann Rivers (R-La Center/18th Dist.) attempted to pass this bill. She hit paydirt in 2020 with a narrowly-crafted measure. The Senate unanimously concurred with House amendments to the bill last Monday, and it has been delivered to the Governor. **5613** as amended 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.
- **SSB 5692/2SHB 1708, Fishing and Hunting License Fees:** This bill was hotly debated during the 2019 Session but a non-factor 2020. That said, the Washington Department of Fish & Wildlife is pleased with a final Operating Budgets that has sufficient funding levels to keep most of WDFW's programs intact.
- **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 2447; HB 2723:** Here's the latest on these bills:
 - ✓ **SB 6114** never received a Senate Floor vote and 'died.' It would have given cities under 3,000 population and counties more leeway to designate roads as suitable for ORV use;
 - ✓ **SB 6115** eliminated, 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 also 'died.'
 - ✓ **SB 6363** allows ATVs to also be registered as snowmobiles. **6363** 'died.'
 - ✓ **HB 2447** would have enabled new categories of off-road vehicles entering the market to be labeled as wheeled ATVs. This bill 'died' as well;
 - ✓ **ESHB 2723, addressing off-road vehicle and snowmobile registration enforcement:** This bill 'lived' by virtue of being included in the final 2020 Transportation Budget. It then passed the Senate 46-2 last Tuesday and has been delivered to the Governor. **2723** 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.
- **SSB 6208, allowing bicyclists to yield at stop signs when no other traffic is present or approaching:** This bill was delivered to the Governor last Monday. **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. They 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 the Legislature and was delivered to the Governor last Tuesday. The bill, and an Operating Budget allocation of \$35,000, enables the State Parks Commission to set up this collaboration with libraries.
- **SHB 1293, concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements:** This bill passed the Legislature and was delivered to the Governor last Wednesday. **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:** This bill ‘died’ in 2020 but could well be a topic of interim discussions. 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.
- **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 ‘died’ in 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 was referenced in earlier versions of the Transportation Budget, but not the final one. It ended up ‘dying’ on the Senate Floor Calendar. **2501** would have flexed up 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 bill passed the Legislature and was delivered to the Governor last Monday. **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 the Legislature and was delivered to the Governor last Thursday. There is also \$120,000 in the final Operating Budget to fund Washington State Parks’ implementation of the new program. Freshman Rep. Alex Ramel (D-Bellingham/40th Dist.), an avid outdoorsman, is the prime sponsor of this one. It directs the 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 the Legislature and was delivered to the Governor last Thursday. It changes current law requiring a unanimous vote when the Commission wishes to establish leases of more than 20 years. **2601** as amended in Ways & Means 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 is included in the final budget. However, because the enabling bill never made it out of the Senate, **2768** ended up 'dying' for the 2020 Session. The DNR request bill would have provided technical assistance and resources for local jurisdictions that wanted to adopt urban or community forestry programs to better protect their tree canopy. It was permissive and not mandatory.
- **EHB 2811, establishing a statewide environmental sustainability education program:** This bill passed the Legislature and was delivered to the Governor last Thursday. 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 final Operating Budget *did* include \$6 million in new funding for foundational public health services.