



## Skagit County - Government Relations Report February 13, 2022

There are 27 days remaining in the 2022 legislative session, meaning session is more than halfway over. The House and Senate are working late nights and over the weekend to approve bills that passed out of committee. Bills must pass out of their chamber-of-origin (House bills must pass the House; Senate bills must pass the Senate) by Tuesday, February 15. Each chamber will then return to meeting in committees to hold public hearings and vote on bills approved by the opposite chamber. A bill may not be subject to cutoff deadlines if it has been deemed “necessary to implement the budget.”

Meanwhile, budget writers are working to develop supplemental operating, capital, and transportation budget proposals, expected to be released shortly after the next revenue forecast: Wednesday, February 16. The two chambers will reconcile differences between the two budget proposals during the final weeks of the legislative session.

### Session Cutoff Calendar

February 3, 2022	Policy Committee Deadline
February 7, 2022	Fiscal Committee Deadline
February 15, 2022	Chamber-of-Origin Deadline
February 24, 2022	Opposite Chamber Policy Committee Deadline
February 28, 2022	Opposite Chamber Fiscal Committee Deadline
March 4, 2022	Opposite Chamber Deadline
March 10, 2022	Session adjourns - Sine Die

## Legislative Priorities

### Address Fish Passage Barriers – Culvert Design Funding Capital Budget Request

Skagit County is working with Rep. Debra Lekanoff (D- Bow) to request \$1 million in the 2022 capital budget for culvert design funding. This funding will allow Skagit County to bring a package of 11 culverts to full design, making the County more competitive to receive state and federal grant funding. We have spoken with House Capital Budget Chair Rep. Steve Tharinger (D- Dungeness) about our request and have sent him supporting materials. We spoke with Rep. Lekanoff over the weekend, who indicated the County is likely to receive this funding in the proposed House capital budget. We have heard that the Senate will release their capital budget proposal on Wednesday, February 16; the House will follow.

### House Bill 1333 - .09 Sales Tax Credit for Economic Development

Skagit County supports [House Bill 1333](#), sponsored by Rep. Steve Tharinger (D- Dungeness), renewing the .09 rural county sales tax credit program for economic development until 2054. We have been working with Rep. Tharinger on an amendment that would require the State Auditors’ Office to provide annual program spending reports they receive from counties to the legislature, satisfying Sen.



Christine Rolfes's (D- Bainbridge Island) request for greater program spending transparency. We have sent amendment language to Sen. Patty Kuderer (D- Bellevue) and Sen. Liz Lovelett (D- Anacortes) for their review and have offered to meet to discuss the amendment. The bill has been scheduled to move out of committee on Thursday, February 17.

#### Department of Ecology - Remedial Action Grant Cleanup Deadline Fix

Skagit County supports solutions to ensure the County receives the \$5.41 million grant awarded in the 2021-23 budget through the Department of Ecology's Remedial Action Grant Program for the Whitmarsh Landfill brownfield cleanup. [Senate Bill 5895](#), sponsored by Sen. David Frockt (D- Seattle), removes the permitting acquisition timeline for Remedial Action grant recipients. The bill has been widely supported throughout the process, and this week, the bill passed out of the Senate unanimously. The bill has been referred to the House Capital Budget Committee; it has not been scheduled for a hearing. The bill must move out of committee by February 28.

#### ***Other Items***

##### "Move Ahead WA" Transportation Package Outline Released

This week, House and Senate Transportation Chairs, Rep. Jake Fey (D- Tacoma) and Sen. Marko Liias (D- Lynnwood) jointly released "Move Ahead Washington," a \$16 billion transportation revenue and spending package proposal. The package provides stop-gap funding for critical needs: the state ferry system, maintenance and preservation, state culverts, backfilling key Connecting Washington projects, and beginning work on certain mega-projects. Most project spending – new or otherwise – is confined to Climate Commitment Act spending, which may only be used for non-motorized projects or projects focused on decarbonization. We have heard from Skagit County's lobbyist for the Guemes Island Ferry that funding for the ferry is included in the package, funded through Climate Commitment Act dollars. The County's Evergreen Trail project, a last-minute submission, did not receive funding in the package. We have heard from Rep. Paul that he would like to discuss this project over the interim.

Package highlights are below:

Investments total over \$16.8 billion worth of projects and programs over the next 16 years. The package is funded with the following revenue sources:

- Climate Commitment Act - \$5.4 billion
- Federal Funds - \$3.4 billion
- One time state operating budget transfer - \$2 billion
- Exported fuel tax - \$2 billion
- Various fees & other transfers - \$4 billion

To view the revenue source details, [click here](#).

Climate Commitment Act funds are dedicated to investments in active transportation, transit projects and programs, alternative fuel & electrification, state ferries and rail programs. Active transportation programs receive a boost, including \$290 million for the Safe Routes to School program, \$278 million toward the bike/ped grant program, and \$146 million toward Complete Streets grant program administered by the Transportation Improvement Board (TIB).

Other major investments from non-restricted revenue sources include:

- \$3 billion in maintenance and preservation



- \$2.4 billion in fish barrier removal ~ state barriers only
- \$1.3 billion to build 4 new ferries and provide preservation and operational support
- \$1 billion for the I-5 Columbia River Bridge
- \$1.4 billion to backfill cost increases from previously funded Connecting Washington projects.

Finally, the revenue bill includes several local options for cities, but counties do not receive any additional local revenue options. Counties and cities do not receive an increase in direct distributions and CRAB and TIB do not receive an increase in baseline funding.

### Clarifying Police Reform Proposals

The legislature continues to advance many proposals addressing unintended consequences from the passage of police reform legislation last session. Following chamber-of-origin cutoff, the following bills are still being considered:

#### *In Opposite-Chamber Committees*

- **Use of Bean Bags:** [House Bill 1719](#), sponsored by Rep. Dan Bronoske (D- Lakewood), clarifies that bean bags can be used as a de-escalation tactic. This bill is moving with broad support. After moving out of the House unanimously, the bill was heard this week in the Senate Law and Justice Committee. It has been scheduled to move out of committee on Thursday, February 17.
- **Community Caretaking Function (ITA):** [House Bill 1735](#), sponsored by Rep. Jesse Johnson (D- Federal Way), is also advancing with broad support. The bill makes several clarifications: deadly force may be used in the face of an immediate threat of serious injury against the officer or another individual. Physical force is allowed, under limited circumstances, to ensure the safety of officers when taking a person into custody for civil or forensic commitment. The bill eliminates the broad provision regarding enforcement of a court order. It also simplifies the provision allowing a peace officer to use physical force to the extent necessary to take a minor into protective custody by removing references to specific statutes. Instead, an officer may do so when "authorized or directed by statute." The bill was heard this week in the Senate Law and Justice Committee and is scheduled to move out of committee on Thursday, February 17.

#### *Passed Out of Chamber-of-Origin*

- **Defining Use of Force:** [House Bill 2037](#), sponsored by Rep. Roger Goodman (D- Seattle), moved out of the House 87-11 this week. The definition of "necessary" was amended for clarity. The bill provides a statewide definition of use of force and deadly force. "Physical force" means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. The bill states that physical force can be used to protect against a criminal offense when there is probable cause that that the person has committed, is committing, or is about to commit an offense, and to prevent a person from fleeing or stop a person who is actively feeling a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained. This bill has been identified by proponents as the preferred vehicle for a definition of "use of force."



- **Use of Force/Vehicular Pursuits:** [Senate Bill 5919](#), sponsored by Sen. Kevin Van De Wege (D- Sequim), is an alternative proposal to HB 2037 that also addresses use of force. Unexpectedly, this bill advanced out of the Senate (31-18) this week without changes made in the Senate Law and Justice Committee. As passed out of the Senate, the bill establishes definitions for use of force, amends the standard of reasonable care, and addresses vehicular pursuits. The amended bill restores the standard of “reasonable suspicion,” rather than “probable cause,” for an officer to engage in a vehicular pursuit and expands the circumstances under which vehicular pursuits are allowed. Notably, pursuit is authorized in cases where the individual “poses a public safety risk” rather than is an “imminent threat to the safety of others,” the current standard. This provision is extremely controversial among police reform advocates and many democrat legislators. If the bill advances, this provision is likely to be amended in the House.

*Awaiting Floor Vote – Deadline Feb. 15*

- **Vehicular Pursuits:** [House Bill 1788](#), sponsored by Rep. Eric Robertson (R- Sumner), as amended, would allow officers to engage in vehicular pursuit when there is reasonable suspicion that the person in the vehicle has committed or will commit a violent offense, driving under the influence, the person poses an imminent threat or the safety of others, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances. The bill has not yet been pulled out of the Rules Committee.

Mandating “Missing Middle” Housing – House Bill 1782

[House Bill 1782](#), Governor-request mandated density legislation sponsored by Rep. Jessica Bateman (D- Olympia), previously only implicated cities, but is likely to be amended to include counties if the bill advances. The sponsor has put forward a striking amendment that would require counties to update comprehensive plans to meet requirements under the bill and potentially requires counties to plan for middle housing outside of the UGA, inconsistent with planning goals. Furthermore, additional planning requirements do not include funding for implementation. Paul Jewell summarized a short list of county concerns with the striker and sent them to the bill sponsor and House leadership over the weekend. It is unclear whether the bill will move before chamber-of-origin bill cutoff on Tuesday, February 15.

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GTHGA is monitoring the following priority items on your behalf. We will provide updates on these items as legislative action occurs. We will continue to be in contact with you on legislative action relevant to these items.

- Senate Bill 5122 – Juvenile Detention
- Defend Shared Revenue and Preserve Funding for Critical County Programs
- Invest in the Washington State Housing Trust Fund

In addition to these items, GTHGA will be monitoring policy proposals included on Skagit County’s 2022 Policy Document. We will report relevant legislative action on these items as it occurs and will remain in communication with the County on possibilities for Commissioner or staff involvement.



## Upcoming Events

### **Environment, Energy & Technology (Senate) - Virtual - 2/16 @ 8:00am**

[E2SHB 1663](#) - Public Hearing - Reducing methane emissions from landfills.

[HB 1978](#) - Public Hearing - Concerning shoreline master program review schedules.

### **Local Government (House) - Virtual - 2/16 @ 10:00am**

[SB 5514](#) - Public Hearing - Increasing the frequency of county legislative meetings at alternate locations.

### **Housing & Local Government (Senate) - Virtual - 2/16 @ 10:30am**

[E2SHB 1117](#) - Public Hearing - Promoting salmon recovery through revisions to the state's comprehensive planning framework.

### **Finance (House) - Virtual - 2/17 @ 8:00am**

[SHB 1918](#) - Public Hearing - Reducing emissions from outdoor power equipment.

### **Housing & Local Government (Senate) - Virtual - 2/17 @ 8:00am**

[E2SHB 1099](#) - Exec Session - Improving the state's climate response through updates to the state's comprehensive planning framework.

[ESHB 1333](#) - Exec Session - Providing an extension to the local sales and use tax for public facilities in rural counties. (Support)

[SB 5971](#) - Public Hearing - Concerning the comprehensive plan and implementation of the goals and requirements of the growth management act.

### **State Government & Tribal Relations (House) - Virtual - 2/17 @ 10:00am**

[E2SSB 5597](#) - Public Hearing - Concerning the Washington voting rights act.

### **Environment, Energy & Technology (Senate) - Virtual - 2/17 @ 10:30am**

[ESHB 1673](#) - Public Hearing - Concerning broadband infrastructure loans and grants made by the public works board.

### **Law & Justice (Senate) - Virtual - 2/17 @ 10:30am**

[E4SHB 1412](#) - Public Hearing - Concerning legal financial obligations.



**Environment & Energy (House) - Virtual - 2/17 @ 1:30pm**

[SB 5042](#) - Public Hearing - Concerning the effective date of certain actions taken under the growth management act.

[SSB 5722](#) - Public Hearing - Reducing greenhouse gas emissions in buildings.

**Local Government (House) - Virtual - 2/18 @ 8:00am**

[2ESSB 5275](#) - Public Hearing - Enhancing opportunity in limited areas of more intense rural development.

**Bill Summaries**

We will be providing an updated bill list following the chamber-of-origin cutoff deadline on Tuesday, February 15.