



Skagit County - Government Relations Report February 27, 2022

There are less than two weeks left of the legislative session. Legislators spent this past week meeting in committees, holding public hearings and voting on bills approved by the opposite chamber. Bills approved by the opposite chamber needed to have been approved by a policy committee by February 24th, and bills with fiscal implications need to be approved by February 28th.

This week, the House and Senate will be meeting on the floor voting on bills from the opposite chamber. Bills need to advance out of the opposite chamber by March 4th. The final week of the legislative session will be spent resolving discrepancies between versions of bills approved by the two chambers.

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. As reported last week, the House budget included \$1 million for Skagit County culverts, on page 150 of the budget bill, [found here](#). After both chambers pass their capital budgets, conference negotiations will begin, likely sometime early next week.

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. The bill was heard in the Senate Ways and Means Committee on Thursday, February 24. The same group testified in committee as in policy committee: WSAC, WEDA, a representative from the Port of Benton, Commissioner Kate Dean from Jefferson County. The bill [testimony begins here](#). Testimony was well received at the hearing. Sen. Andy Billig (D- Spokane) asked whether the State Auditor's Office provides reports of projects – clearly in line with our solution to address Sen. Rolfes' concern with transparency. It is likely he will be interested in amending the bill to require the SAO to provide



reports. If the bill is amended, it will need to return to the House for concurrence. The bill has been scheduled to move out of Ways and Means on Monday, February 28.

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 moved out of the House Capital Budget Committee on Friday, February 25, and has been referred to the House Rules Committee to be debated on the floor.

Other Items

Revenue Package and Supplemental Transportation Budgets Advancing

The "Move Ahead Washington" proposal continues to advance. With supplemental budget proposals released, both chambers are focusing on advancing the components of the package and supplemental budgets to begin conferencing on the proposal. This includes the package revenue bills: [House Bill 2119/Senate Bill 5974](#); the spending bills: [House Bill 2118/Senate Bill 5975](#); and the supplemental budgets: [House Bill 1786/Senate Bill 5689](#). The supplemental transportation budgets are being debated over the weekend; opposite chamber-of-origin cutoff is next Friday, March 4.

After significant backlash from neighboring states and republicans, late this week, [Chair Fey reportedly backed away from the proposed exported fuel tax](#). Instead, he has proposed sweeping the Public Works Assistance Account, pulling down \$1.5 billion over the next 15 years. This leaves \$500 million less in funding for the package and would require project and/or programmatic cuts. [House Democrats have released a statement](#) indicating that cuts will not be made to projects. Negotiations are likely to occur in conference, meaning components cut from the proposal will not be made public until conference budgets are released.

Clarifying Police Reform Proposals

The legislature continues to advance many proposals addressing unintended consequences from the passage of police reform legislation last session. This week, widely supported proposals passed both chambers and will now head to the Governor's desk for signature. Other bills continued to be tweaked in opposite policy and fiscal committees; bills must advance out of fiscal committee (i.e., Appropriations, Finance, or Ways and Means) by Monday, February 28. Below is the status of bills still in consideration:

Passed Both Chambers

- **Use of Bean Bags:** [House Bill 1719](#), sponsored by Rep. Dan Bronoske (D- Lakewood), clarifies that bean bags, rubber bullets, and other non-penetrative munitions can be used as a de-escalation tactic. Under current law, .50 caliber shotguns used to deploy less than lethal rounds are on the list of 'military equipment' that is not allowed for use by Peace Officers under HB 1310, passed in 2021. This bill was written in collaboration with HB 1310 sponsors and law enforcement in response to oversight when drafting police reform legislation. There is extensive support by law enforcement agencies as well as community members and proponents of HB 1310. The bill passed the House by a vote of 95-0, and the Senate approved



the bill 49-0 with no amendments. The bill will advance to the Governor's Office to be signed into law.

- **Community Caretaking Function (ITA):** [House Bill 1735](#), sponsored by Rep. Jesse Johnson (D- Federal Way), clarifies that deadly force may be used in the face of an immediate threat of serious injury against the officer or another individual and that physical force would be allowed under limited circumstances to ensure the safety of officers when taking a person into custody for civil or forensic commitment. It eliminates the broad provision regarding enforcement of a court order and more narrowly authorizes physical force in specific circumstances. It also modifies 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 has maintained extensive support in both the House and Senate from Law Enforcement agencies, cities and counties, non-profits, and community members. On January 28, the bill passed out of the House by a vote of 90-5 and the Senate approved the bill 49-0 with no amendments. The bill will advance to the Governor's Office to be signed into law.

In Opposite-Chamber Rules Committee – Deadline Friday, March 4

- **Use of Force/Vehicular Pursuits:** [Senate Bill 5919](#), sponsored by Sen. Kevin Van De Wege (D- Sequim), addresses vehicular pursuits. The bill previously contained a definition for use of force and standard for reasonable care. On February 24, the bill was once again significantly amended by a striking amendment, which rewrites all sections of the bill and was voted out of the House Public Safety Committee. The bill no longer addresses use of force. The [latest version of the bill and summary of changes can be found here](#). Below are highlights of the changes:
 - As passed out of the Senate, pursuit was authorized in cases where the individual "poses a public safety risk" rather than is an "imminent threat to the safety of others." In the latest version, the definition was changed to "a threat of serious injury or death to another person."
 - The current version of the bill also restores the standard of "reasonable suspicion," rather than "probable cause," for an officer to engage in a vehicular pursuit. However, unlike the previous version, the bill limits pursuits to when there is "reasonable suspicion" that a person in the vehicle has committed or is committing a violent offense, escape offense, or driving under the influence offense.
 - The current version of the bill includes requiring supervisory oversight of the pursuit, rather than supervisory control of the pursuit, as provided in current law.
- **Defining Use of Force:** [House Bill 2037](#), sponsored by Rep. Roger Goodman (D- Seattle), provides a statewide definition of use of force and deadly force. This bill has been identified by proponents as the preferred vehicle for a definition of "use of force." The bill was amended this week in the Senate Law and Justice Committee to authorize law enforcement officers to use force to prevent an individual from intentionally fleeing or to stop an individual from intentionally fleeing a lawful investigative detention for a criminal offense, so long as the individual has been notified that they are detained and not allowed to leave the scene. The bill has been moved to the Senate Rules Committee.



Virtual Meetings Flexibility – House Bill 1329/House Bill 1056

[House Bill 1329](#), sponsored by Rep. Emily Wicks (D- Everett), amends the Open Public Meetings Act to increase public participation. This week, the Senate State Government and Elections Committee amended the bill to include provisions of last year's OPMA flexibility bill, [House Bill 1056](#), which died earlier this session. House Bill 1056 allowed agencies to continue holding virtual meetings without requiring a declaration of a state of emergency. The amended version of House Bill 1329 allows any public agency, which held at least some public meetings remotely prior to March 1, 2021, to do so without a declared state of emergency. Although the Governor [announced](#) a less restrictive phase of the COVID-19 response to go into effect March 21, the [OPMA proclamation](#) will still be in place. However, once the Governor terminates the state of emergency or lifts the OPMA proclamation, this bill provides local governments the option to continue holding remote meetings. The bill is in the Senate Rules Committee to be debated on the floor.

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.

- 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

Appropriations (House) - Virtual - 2/28 @ 10:00am

[SSB 5722](#) - Exec Session - Reducing greenhouse gas emissions in buildings.

Ways & Means (Senate) - Virtual - 2/28 @ 10:00am

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

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

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

[E4SHB 1412](#) - Exec Session - Concerning legal financial obligations.



[ESHB 1643](#) - Exec Session - Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax.

[E2SHB 1663](#) - Exec Session - Reducing methane emissions from landfills.

[E2SHB 1799](#) - Exec Session - Concerning organic materials management.

[ESHB 1866](#) - Exec Session - Assisting persons receiving community support services through medical assistance programs to receive supportive housing. (Support)

Bill Summaries

Outlined below are relevant bills GTHGA is tracking for the County. Bills that are in the “lobbying” category are those that GTHGA is taking action to either advance or stall; bills that are marked as “monitoring” are those that GTHGA is keeping track of but not actively lobbying.

Lobbying

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
ESHB 1333	Rural public facilities/tax	Providing an extension to the local sales and use tax for public facilities in rural counties.	S Ways & Means	Tharinger	Support
ESHB 1866	Supportive housing	Assisting persons receiving community support services through medical assistance programs to receive supportive housing.	S Ways & Means	Chopp	Support
SB 5895	Remedial action grants	Concerning timing restrictions for remedial action grants to local government.	H CDBP	Froct	Support

Monitoring

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
E2SHB 1099	Comprehensive planning	Improving the state's climate response through updates to the state's comprehensive planning framework.	S Ways & Means	Duerr	
E2SHB 1117	Comp. planning/salmon	Promoting salmon recovery through revisions to the state's comprehensive planning framework.	S Ways & Means	Lekanoff	Neutral
E2SHB 1241	Growth management act plans	Planning under the growth management act.	S Rules 2	Duerr	

E4SHB 1412	Legal financial obligations	Concerning legal financial obligations.	S Ways & Means	Simmons	
ESHB 1643 (SSB 5642)	Affordable housing/REET	Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax.	S Ways & Means	Hackney	
ESHB 1660 (SB 5648)	Accessory dwelling units	Concerning accessory dwelling units.	S Rules 2	Shewmake	
E2SHB 1663	Landfill methane emissions	Reducing methane emissions from landfills.	S Ways & Means	Duerr	
ESHB 1673 (SSB 5580)	Public works board/broadband	Concerning broadband infrastructure loans and grants made by the public works board.	S Rules 2	Ryu	
E2SHB 1799 (SB 5731)	Organic materials management	Concerning organic materials management.	S Ways & Means	Fitzgibbon	
2SHB 1918	Power equipment emissions	Reducing emissions from outdoor power equipment.	H FINDP2S	Macri	
HB 1978	Shoreline master programs	Concerning shoreline master program review schedules.	S Rules 2	Duerr	
ESHB 2037	Peace officers/use of force	Modifying the standard for use of force by peace officers.	S Rules 2	Goodman	
SB 5042	GMA actions effective date	Concerning the effective date of certain actions taken under the growth management act.	H Rules R	Salomon	
2ESSB 5275	Intense rural dev. areas	Enhancing opportunity in limited areas of more intense rural development.	H Rules R	Short	



SB 5514	County legislative meetings	Increasing the frequency of county legislative meetings at alternate locations.	H Rules R	Dozier	
SSB 5590	Marine resources ad. council	Eliminating the 2022 expiration date of the marine resources advisory council.	H Rules R	Wagoner	
ESSB 5593	Urban growth area boundaries	Concerning urban growth area boundaries.	H Rules R	Short	
E2SSB 5597	Voting rights	Concerning the Washington voting rights act.	H Approps	Saldana	
SSB 5722 (HB 1774)	Greenhouse gases/buildings	Reducing greenhouse gas emissions in buildings.	H Approps	Nguyen	
SB 5868	Public fac. tax/housing	Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing.	H Rules R	Hawkins	Concerns
E2SSB 5885	Marine shoreline habitat	Concerning marine shoreline habitat.	H Approps	Salomon	