



Skagit County - Government Relations Report March 5, 2022

Friday, March 4, marked the second to last deadline of the 2022 legislative session – bills needed to have been approved by both the House and Senate to remain under consideration this year. Over the next week, the legislature will continue to focus on reconciling differences between each chamber's budget proposals, bills that are “necessary to implement the budget” (NTIB), and bills on the Concurrence Calendar.

The Concurrence Calendar is a list of bills that have passed out of both chambers but were amended in the second chamber. In order for the bill to pass the legislature, the differences in the two versions of the bill approved by each chamber need to be reconciled. The chamber of origin may: 1) concur in the amendments made by the opposite chamber; 2) ask the opposite chamber to recede from the amendments; or 3) may request a conference, where a small group of legislators work to develop a compromise version of the bill. If the two chambers cannot reach an agreement prior to March 10, the bill does not pass.

Once a bill passes the legislature, it is delivered to the Governor for him to sign it into law, veto, or partially veto (he has the authority to remove entire sections of a bill, but not specific sentences). After the legislature approves a bill, the Governor has five days, excluding Sundays, to take action on it, unless the legislature is within five days of adjournment when it approves the bill, in which case the Governor has 20 days to take action. The final day of the 2022 legislative session is Thursday, March 10.

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

Budget Development

Both chambers are now conferring on all three supplemental budget proposals: the operating budget, [Senate Bill 5693](#), the capital budget, [Senate Bill 5651](#), and the transportation budget, [Senate Bill 5689](#). We anticipate that conference budget proposals will be released next week. We will provide an update on the final status of our budget priorities in our next report, after conference budgets are released. This includes:



- Culvert Design Funding Capital Budget Request
- Invest in the Housing Trust Fund
- Defend Shared Revenue and Preserve Funding for Critical County Programs

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. On Monday, the bill passed out of the Senate Ways and Means Committee with an amendment sponsored by Majority Leader Sen. Andy Billig (D- Spokane), requiring the State Auditor's Office (SAO) to compile a searchable website detailing program projects. The amendment appeared to satisfy concerns raised by Ways and Means Chair Sen. Christine Rolfes (D- Bainbridge Island), who expressed a desire for greater fiscal transparency in the program. The bill moved to the Senate Rules Committee to be pulled to the floor. The coalition tried many strategies to pull the bill from the Rules Committee to no avail, and on the final legislative cutoff deadline on Friday, March 4, the bill died.

After the bill failed to advance, we spoke with Sen. Liz Lovelett (D- Anacortes), a key advocate on this issue. Sen. Lovelett indicated that leadership in her caucus held the bill due to concerns with program accountability. The coalition is exploring multiple next steps on this bill, including submitting a budget proviso directing the SAO to develop a program website and asking Rep. Tharinger to push this bill to pass as "necessary to implement the budget," since the bill has a fiscal component.

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. After advancing out of the Senate unanimously, the bill moved out of the House on Thursday, February 3, unanimously. The bill will now head to the Governor's desk for signature.

Other Items

Invest in the Washington State Housing Trust Fund

Both the House and Senate budgets include significant additive funding for housing programs, including the Housing Trust Fund; however, many entities believe that there is an overemphasis in both budgets on funding rapid housing acquisition rather than existing projects that are "shovel ready." This week, we sent a message to our legislative delegation requesting that the final capital budgets shift some rapid housing acquisition investments into the Housing Trust Fund. We are coordinating with other counties on this effort. The final capital budget is rumored to be close to finalized; we are likely to see the negotiated budget early next week.

Transportation Package Update

House and Senate transportation leaders continue work on their "Move Ahead Washington" package proposal. On February 26, the [House Democrats announced](#) their plan to replace the controversial export fuel tax, that was projected to generate \$2 billion over 16 years, with \$100 million per year of Public Works Assistance Account funds. Local agencies who benefit from this money—especially cities—pushed back strongly on this proposal, asking transportation leaders identify a different funding solution.



Earlier this week, the Senate proposed an alternative solution that would fill the \$2 billion gap with funds from the Model Toxics Control Account (MTCA). Funding from MTCA directs the investigation, cleanup, and prevention of sites that are contaminated by hazardous substances, funded primarily through a tax on hazardous substances. The Senate proposal would transfer a total of \$1.82 billion from MTCA to the multimodal transportation account over the course of 16 years, backfilling these funds using a transfer from the general fund. Funding would be taken from the MTCA operating account, rather than the MTCA capital account, which includes hazardous waste cleanup funding.

Counties have expressed significant concerns with this proposal. MTCA provides foundational funding for solid waste activities through Ecology's Local Solid Waste Assistance Financial Assistance Account. In coordination with WSAC, we have been communicating with Senate partners regarding potential impacts to county funding sources. Chair Marko Lias (D- Lynnwood) indicated that they would like to avoid impacts to county revenue sources. We are working with Skagit County staff to determine the impact on the County if this funding source is swept.

Notably, neither the House nor the Senate proposal would fully fill the \$2 billion hole created by the elimination of the exported fuel tax. It is anticipated there will be some projects and/or programs that will be trimmed to account for the remaining difference. The House and Senate continue to negotiate behind closed doors; we will have very little influence over the proposal once it is finalized.

Clarifying Police Reform Proposals

Up until the hour before the final legislative cutoff of session, the legislature approved and amended legislation making clarifications to police reform legislation passed in 2021. As reported last week, two bills – [House Bill 1719](#), clarifying that non-lethal weapons (i.e. beanbags and rubber bullets) may be utilized as a de-escalation tactic, and [House Bill 1735](#), clarifying force may be used when fulfilling community caretaking functions, including the involuntary treatment act– were sent to the Governor's desk for signature last week. HB 1719 has been signed by the Governor.

Two bills moved out of the opposite chamber this week:

- **Use of Force/Vehicular Pursuits:** [Senate Bill 5919](#), sponsored by Sen. Kevin Van De Wege (D- Sequim), addresses when vehicular pursuits are permitted by law enforcement. The bill has gone through significant changes throughout session and passed the House floor, 86-12 with three additional amendments. The key components HB 5919 modify the restrictions on vehicular pursuits, including the types of offenses where pursuits are permitted, lowering the evidentiary threshold from probable cause to reasonable suspicion, and restricting pursuits to when a person in the vehicle poses a serious risk of harm to others. The bill also creates additional supervisory and safety-related sideboards for vehicular pursuits. The House amendments make changes to the following:
 - Restores current law permitting a vehicular pursuit for the purpose of identifying or detaining someone, which was removed in previous versions of the bill.
 - Replaces current law authorizing vehicular pursuits if the person poses an "imminent threat to the safety of others" with "poses a serious risk of harm to others".



- Adds “non-violent sex offense” to the list of scenarios permitting a vehicular pursuit to occur under the standard of “reasonable suspicion”. Previous versions only listed violent sex offense.
- Restores current law exempting jurisdictions with 10 or less commissioned officers from the supervisory requirements for vehicular pursuits when a supervisor is not on duty. The previous version of the bill removed this exemption.

Given these changes, the bill will now return to the Senate for concurrence.

- **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. The bill has been amended multiple times throughout the legislative process and moved out of the Senate Law and Justice Committee with weakened language. Ultimately, the Senate chose not to adopt the committee amendments, and the bill moved out of the Senate in the version approved by the House. It will now head to the Governor’s desk for signature.

Virtual Meetings Flexibility – House Bill 1329/House Bill 1056

As reported last week, [House Bill 1329](#), sponsored by Rep. Emily Wicks (D- Everett), increasing public participation under the Open Public Meetings Act, was amended to include provisions of last year’s OPMA flexibility bill, [House Bill 1056](#), which died earlier this session. House Bill 1056 allows 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. The Senate approved the bill unanimously on Thursday, March 3. It will now return to the House for concurrence.

Salmon Recovery in the GMA – House Bill 1117

[House Bill 1117](#), sponsored by Rep. Debra Lekanoff (D- Bow), establishes salmon recovery as a goal of the GMA and implements a standard of “net ecological gain.” Early this week, the Chair of the Ways and Means Committee, Sen. Christine Rolfes (D- Bainbridge Island), introduced an amendment in committee that would have stripped the bill, removing mentions of net ecological gain entirely and removing the salmon recovery goal. However, as the amendment was scheduled to be voted on, Sen. Rolfes declared the proposal “no longer in consideration.” Though this bill can technically be considered “necessary to implement the budget” as it was funded in the House Operating Budget proposal, Sen. Rolfes was clear it will not advance before the end of session.

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.

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 1866	Supportive housing	Assisting persons receiving community support services through medical assistance programs to receive supportive housing.	S Passed 3rd	Chopp	Support
SB 5895	Remedial action grants	Concerning timing restrictions for remedial action grants to local government.	H Passed 3rd	Frockt	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 Passed 3rd	Duerr	
E2SHB 1241	Growth management act plans	Planning under the growth management act.	S Passed 3rd	Duerr	
E4SHB 1412	Legal financial obligations	Concerning legal financial obligations.	S Passed 3rd	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 Passed 3rd	Hackney	
E2SHB 1663	Landfill methane emissions	Reducing methane emissions from landfills.	S Passed 3rd	Duerr	
ESHB 1673 (SSB 5580)	Public works board/broadband	Concerning broadband infrastructure loans and grants made by the public works board.	S Passed 3rd	Ryu	
E2SHB 1799 (SB 5731)	Organic materials management	Concerning organic materials management.	S Passed 3rd	Fitzgibbon	
2SHB 1918	Power equipment emissions	Reducing emissions from outdoor power equipment.	H Passed 3rd	Macri	
ESHB 2037	Peace officers/use of force	Modifying the standard for use of force by peace officers.	S Passed 3rd	Goodman	



SB 5042	GMA actions effective date	Concerning the effective date of certain actions taken under the growth management act.	H Passed 3rd	Salomon	
2ESSB 5275	Intense rural dev. areas	Enhancing opportunity in limited areas of more intense rural development.	H Passed 3rd	Short	
SSB 5590	Marine resources ad. council	Eliminating the 2022 expiration date of the marine resources advisory council.	H Passed 3rd	Wagoner	
ESSB 5593	Urban growth area boundaries	Concerning urban growth area boundaries.	H Passed 3rd	Short	
SSB 5722 (HB 1774)	Greenhouse gases/buildings	Reducing greenhouse gas emissions in buildings.	H Passed 3rd	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 Passed 3rd	Hawkins	Concerns