



Memorandum

TO: Snohomish County Council and Executive Somers

FROM: Josh Weiss & Annika Vaughn

CC: Lacey Harper

DATE: March 5, 2022

RE: Legislative Report – Week 9

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

Final 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](#). This week, we sent operating budget and capital budget chairs letters in support of the high watermark for our projects in each budget. 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:

- Lynnwood Recovery Center
- Darrington Wood Innovation Center
- Afghan Refugee Resettlement Costs
- Transportation Requests
- *Blake* Funding
- Local Culvert Funding

Senate Bill 5575 – Adding Superior Court Judges

Snohomish County supports [Senate Bill 5575](#), funding 2 additional superior court judges in Snohomish County. This bill is brought forward by the Administrative Office of the Courts on the County's behalf and is sponsored by Sen. John Lovick (D- Mill Creek) and Sen. June Robinson (D- Everett). The bill has been amended to require documentation of the County's approval of the additional positions and agreeing to pay for the associated costs. This week, the bill moved out of the House unanimously! The bill will be sent directly to the Governor's desk for signature.

Transportation

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 Liias (D- Lynnwood) indicated that they



would like to avoid impacts to county revenue sources. We worked with Snohomish County staff to determine the impacts on the County if this funding source is swept; it will have little impact on existing solid waste functions.

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.

Other Items

Methane Capture in Landfills – House Bill 1663

Last week, we reported on [House Bill 1663](#), sponsored by Rep. Davina Duerr (D- Bothell), which would require entities with landfills over 450,000 tons of waste in place to do a variety of actions to reduce methane emissions. While advancing out of the House, the bill was amended to implicate the County's Cathcart landfill; however, Cathcart does not have sufficient methane waste to justify methane capture. While in the Senate, we worked with Rep. Duerr, Sen. June Robinson (D- Everett), the Department of Ecology, Paul Jewell from WSAC, and County staff to amend the bill to address the County's concerns. This week, the Senate Ways and Means Committee adopted an amendment that would delay implementation of compliance and allow Ecology to grant exceptions for landfills that would require significant technological improvements to comply, like Cathcart. The bill moved out of the Senate this week and will need to return to the House for concurrence.

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.

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

- Increase Counties’ Share of Marijuana Revenue for Behavioral Health and SUD Treatment
- Support Ongoing Funding for RAP
- Fund RCO Grants

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
E2SHB 1241	Growth management act plans	Planning under the growth management act.	S Passed 3rd	Duerr	Support



HB 1700 (SB 5598)	Derelict vessel removal	Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax.	S Passed 3rd	Paul	Support
SSB 5575	Snohomish county/judges	Adding additional superior court judges in Snohomish county.	S Pres Signed	Lovick	Support
2SSB 5619 (SHB 1661)	Kelp & eelgrass conservation	Conserving and restoring kelp forests and eelgrass meadows in Washington state.	H Passed 3rd	Lovelett	Support
SSB 5862	Commercial energy program	Concerning technical changes to the commercial property assessed clean energy and resiliency program.	H Passed 3rd	Lovelett	Support
ESSB 5974 (SHB 2119)	Transportation resources	Addressing transportation resources.	S Conf appt	Lias	Support

Monitoring

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
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	Neutral
HB 1719	Military equipment/law enf.	Concerning use and acquisition of military equipment by law enforcement agencies.	C 3 L 22	Bronoske	
E2SHB 1799 (SB 5731)	Organic materials management	Concerning organic materials management.	S Passed 3rd	Fitzgibbon	
ESHB 1866	Supportive housing	Assisting persons receiving community support services through medical assistance programs to receive supportive housing.	S Passed 3rd	Chopp	



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	
SSB 5528 (HB 2062)	RTA supplemental revenue	Concerning the imposition of supplemental revenue sources within a regional transit authority area.	H Passed 3rd	Pedersen	
ESSB 5593	Urban growth area boundaries	Concerning urban growth area boundaries.	H Passed 3rd	Short	
E2SSB 5600	Apprenticeship programs	Concerning the sustainability and expansion of state registered apprenticeship programs.	H Passed 3rd	Keiser	
SSB 5722 (HB 1774)	Greenhouse gases/buildings	Reducing greenhouse gas emissions in buildings.	H Passed 3rd	Nguyen	
E2SSB 5764	Apprenticeships & higher ed.	Concerning apprenticeships and higher education.	H Passed 3rd	Randall	
E2SSB 5796	Cannabis revenue	Restructuring cannabis revenue appropriations.	H Passed 3rd	Saldaña	
ESB 5919	Law enf. detention & pursuit	Concerning the standard for law enforcement authority to detain or pursue persons.	H Passed 3rd	Van De Wege	