



Memorandum

TO: Snohomish County Council and Executive Somers
FROM: Josh Weiss & Annika Vaughn
CC: Lacey Harper
DATE: February 27, 2022
RE: Legislative Report – Week 8

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
<u>February 28, 2022</u>	<u>Opposite Chamber Fiscal Committee Deadline</u>
March 4, 2022	Opposite Chamber Deadline
March 10, 2022	Session adjourns - Sine Die

Legislative Priorities

Snohomish County Budget Requests

Snohomish County is supporting two capital budget requests and one operating budget request. As reported last week, in the capital budget proposals, the Lynnwood Recovery Center received \$6 million in the House and \$12 million in the Senate. The Darrington Wood Innovation Center received \$1.5 million in the Senate and was not funded in the House. Finally, the Afghan Refugee Welcoming Center received the requested \$5.558 million in the Senate operating budget proposal, while the House does not include a direct appropriation to the County. We are working with staff to draft budget reconciliation letters to operating and capital budget writers requesting the high watermark is funded



in the final negotiated budget. Over the next week, the House and Senate will move these budgets out of chamber and begin budget negotiations. We are asking Council for edits to these letters so we can send them early in the week.

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. The bill was heard this week in the House Appropriations Committee and is scheduled to move out of committee by Monday, February 28. Additionally, the bill was funded in the Senate budget, assuming passage of the legislation this session.

Blake Funding

Snohomish County supports additional, ongoing funding provided to counties for *Blake* response, including legal financial obligation (LFO) reimbursement. The House and Senate released their operating budget proposals this week. Notably, the House and Senate take significantly different approaches to funding *Blake* in their supplemental operating budgets. The House provides no additional funding for *Blake* resentencing or LFO reimbursement. For local governments, additional funding is provided to establish municipal and district therapeutic courts (as authorized in the *Blake* response bill passed in 2021, [Senate Bill 5476](#)), and a triage team is established within the Office of Public Defense to assist rural counties with *Blake* related staffing issues. In the Senate, an additional \$2 million is provided to AOC for city and county *Blake* activities, and an additional \$46.5 million is provided to counties for LFO reimbursement. The *Blake* triage team also receives funding. Operating budget chairs will need to address this disparity in budget conference.

Transportation

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. Negotiations are likely to occur in conference, meaning components cut from the proposal will not be made public until conference budgets are released.



We are meeting with Public Works staff and the contract lobbyists for Everett and Lake Stevens on Monday to discuss possible impacts of shifting away from the exported fuel tax. [House Democrats have released a statement](#) indicating that cuts will not be made to projects.

Other Items

Methane Capture in Landfills – House Bill 1663

[House Bill 1663](#), sponsored by Rep. Davina Duerr (D- Bothell), would require entities with landfills over 450,000 tons of waste in place to do a variety of actions to reduce methane emissions. The bill was amended to implicate the County's Cathcart landfill; however, Cathcart does not have sufficient methane waste to justify methane capture. We have been working with Rep. Duerr, Sen. June Robinson (D- Everett), the Department of Ecology, Paul Jewell from WSAC, and County staff to identify possible amendments that would address the County's concerns. Ultimately, Rep. Duerr agreed to an amendment that would disqualify Cathcart from eligibility, allowing us to go "neutral" on the bill.

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 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

Upcoming Events

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

[SSB 5575](#) - Exec Session - Adding additional superior court judges in Snohomish county. (Support)

[E2SSB 5600](#) - Exec Session - Concerning the sustainability and expansion of state registered apprenticeship programs.

[2SSB 5619](#) - Exec Session - Conserving and restoring kelp forests and eelgrass meadows in Washington state. (Support)

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

[E2SSB 5764](#) - Exec Session - Concerning apprenticeships and higher education.

[E2SSB 5796](#) - Exec Session - Restructuring cannabis revenue appropriations.

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

[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. (Neutral)

[HB 1700](#) - Exec Session - Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. (Support)

[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.



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 Rules 2	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 Ways & Means	Paul	Support
SSB 5575	Snohomish county/judges	Adding additional superior court judges in Snohomish county.	H Approps	Lovick	Support
2SSB 5619 (SHB 1661)	Kelp & eelgrass conservation	Conserving and restoring kelp forests and eelgrass meadows in Washington state.	H Approps	Lovelett	Support
SB 5823	Local infra. project areas	Addressing local infrastructure project areas.	H Rules R	Das	Support
SSB 5862	Commercial energy program	Concerning technical changes to the commercial property assessed clean energy and resiliency program.	H Rules R	Lovelett	Support
ESSB 5974 (SHB 2119)	Transportation resources	Addressing transportation resources.	H Rules R	Liias	Support

Monitoring

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
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	Concerns
E2SHB 1663	Landfill methane emissions	Reducing methane emissions from landfills.	S Ways & Means	Duerr	Neutral



HB 1719	Military equipment/law enf.	Concerning use and acquisition of military equipment by law enforcement agencies.	S Passed 3rd	Bronoske	
ESHB 1770 (SB 5669)	Energy codes	Strengthening energy codes.	S 2nd Reading	Duerr	
E2SHB 1799 (SB 5731)	Organic materials management	Concerning organic materials management.	S Ways & Means	Fitzgibbon	
ESHB 1866	Supportive housing	Assisting persons receiving community support services through medical assistance programs to receive supportive housing.	S Ways & Means	Chopp	
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	
HB 2089	I-405 & SR 167 bond auth.	Modifying the bond authorization for the Interstate 405 and state route number 167 corridor and the Puget Sound Gateway facility.	H Transportation	Slatter	
SB 5042	GMA actions effective date	Concerning the effective date of certain actions taken under the growth management act.	H Rules R	Salomon	
SB 5514	County legislative meetings	Increasing the frequency of county legislative meetings at alternate locations.	H Rules R	Dozier	
SSB 5528 (HB 2062)	RTA supplemental revenue	Concerning the imposition of supplemental revenue sources within a regional transit authority area.	H Transportation	Pedersen	
ESSB 5593	Urban growth area boundaries	Concerning urban growth area boundaries.	H Rules R	Short	



E2SSB 5600	Apprenticeship programs	Concerning the sustainability and expansion of state registered apprenticeship programs.	H Approps	Keiser	
E2SSB 5662	Right-of-way camping/housing	Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions.	H Approps	Kuderer	
SSB 5722 (HB 1774)	Greenhouse gases/buildings	Reducing greenhouse gas emissions in buildings.	H Approps	Nguyen	
E2SSB 5764	Apprenticeships & higher ed.	Concerning apprenticeships and higher education.	H Approps	Randall	
E2SSB 5796	Cannabis revenue	Restructuring cannabis revenue appropriations.	H Approps	Saldana	
E2SSB 5885	Marine shoreline habitat	Concerning marine shoreline habitat.	H Approps	Salomon	
ESB 5919	Law enf. detention & pursuit	Concerning the standard for law enforcement authority to detain or pursue persons.	H Rules R	Van De Wege	