



TO: Snohomish County Council and Executive Somers

CC: Lacey Harper

FROM: Josh Weiss & Annika Vaughn

DATE: December 8, 2021

RE: Monthly Legislative Update

The 2022 legislative session will begin on Monday, January 10th for a 60-day session. It is the second year of the legislative biennium, and a “short” legislative session. Legislators will meet in a hybrid format: conducting some activities virtually, and some in-person.

Signaling the start of the 2022 budget development process, the Governor will release his supplemental budget proposals in mid-December. The legislature will hold public hearings on the Governor’s budget proposals during the first weeks of the legislative session. Budget writers will then each begin the process of developing their respective chamber’s budget proposals for public release in late February/early March. The two chambers will then need to reach agreement on a final budget proposal by the final day of the legislative session, March 11, or risk entering a special session.

Session Preview

While legislators attempted to lower expectations for the forthcoming short session, the lengthy list of emerging legislative proposals suggests the 2022 session will once again be fast-paced and filled with robust policy discussions. Developing topics include changes to the Long-Term Care Act; transportation funding; policing and public safety; substance abuse and behavioral health treatment options; eliminating single-family zoning; climate and decarbonizing efforts, salmon recovery and culvert replacement, amendments to the Growth Management Act (GMA) and State Environmental Policy Act (SEPA), COVID-19 restrictions, and more. Bills introduced in 2021 will continue to be under consideration in 2022. Additional bills began being [pre-filed](#) December 1st and will continue to roll in as we approach legislative session.

In addition to policy discussions, the legislature will adopt supplemental budgets, which amend the 2021-23 operating, capital, and transportation budgets adopted during the 2021 session. The Washington economy is [reported](#) to be outperforming the national economy, resulting \$898 million in additional forecasted revenue for the current (’21-’23) biennium. This is a significant increase from the March 2021 forecast, which was the baseline for the current biennial operating budget. Revenues in the capital and transportation budgets continue to be more limited.



The state must also allocate remaining American Rescue Plan Act funds by the end of 2024. Of the \$4.4 billion in ARPA funds that the state received, \$1.3 billion is remaining and likely to be allocated in 2022 budgets.

Political Dynamics

Democrats will continue to hold the majority in both chambers. Given the hybrid format of the session, legislators are once again being encouraged to limit the number of bills introduced. The House released formal guidelines that limit legislators to introducing no more than seven bills. The guidelines ask House members to focus legislation on priority themes: Serving Washingtonians Better, Strengthening Economic Well-Being, Advancing Racial Equity and Justice, and Addressing the Climate Crisis.

Controversial policy proposals, such as tax proposals, will have a more difficult time advancing during the 2022 session, which precedes an important general election: all members of the House of Representatives and half the members of the Senate will seek re-election in November 2022, utilizing new boundaries established through redistricting. The Washington State Supreme Court recently issued an [order](#) indicating that the [Redistricting Commission's proposed maps](#) met the necessary constitutional and statutory deadlines. Absent a subsequent legal challenge that could derail the adoption of these maps, the Legislature will have the first 30 days of the legislative session to make minor amendments to the maps with approval from 2/3 of each chamber before they become effective on February 10, 2022.

Membership Changes

Multiple legislators have vacated their seat prior to legislative session. Some empty seats have been filled, while others wait for appointment by the end of the year. Vacations include:

- Sen. Ann Rivers (R- La Center) - 18th Legislative District
 - o Appointment pending
- Sen. Jeannie Darnielle (D- Tacoma) – 27th Legislative District
 - o Sen. Yasmin Trudeau (D- Tacoma) appointed
- Sen. Steve Hobbs (D- Lake Stevens); Senate Transportation Chair– 44th Legislative District
 - o Seatmate Rep. John Lovick (D- Mill Creek) appointed

In addition to the changes above which impact the 2022 legislature, legislators are beginning to announce their intentions for the November 2022 election cycle. The following legislators will not seek re-election:

- Sen. Sharon Brown (R- Kennewick); Deputy Minority Leader– 8th Legislative District
- Rep. Sharon Shewmake (D- Bellingham), who will be running for seatmate Sen. Doug Ericksen's (R- Ferndale) seat in the Senate – 42nd Legislative District



- Sen. David Frockt (D- Seattle); Senate capital budget lead – 46th Legislative District
- Rep. Pat Sullivan (D- Covington), Majority Leader – 47th Legislative District

House and Senate Session Format Rules

As previously reported, the House and Senate Operations Committees approved session plans utilizing a hybrid in-person/virtual format for the 2022 legislative session. Below is a chart summarizing the differences between the two plans. In all cases, masks are required indoors. Below is a chart summarizing the differences between the two plans:

	Committee Hearings	Legislators on campus	Meetings in Leg. Offices	Floor Action	Galleries Above Floor Action
Senate	Virtual; no in-person	Vaccination or negative test required	Senator discretion. In person mtgs capped at 3 attendees, in addition to member and staff. COVID screening questions required	Daily on-site testing required for in-person regardless of vaccination status	Open to public, limited to 12 individuals per gallery
House	Virtual; no in-person	Vaccination or onsite testing 3 times/ week	Virtual; no in-person meetings allowed on campus	Vaccination required for in-person. Undetermined overall capacity	Open to public; vaccination or negative test required, limited to 17 individuals per gallery

Redistricting Commission Maps Adopted by Court

As previously reported, the Washington State Redistricting Commission failed to approve and send the legislature new political maps by the statutory deadline, 11:59pm on November 15. The following day, the Redistricting Commission released “consensus maps,” representing their agreed-upon boundaries, and urged the Supreme Court to adopt these maps as soon as possible. Statutorily, the Supreme Court has until April 30 to adopt maps, leaving less than a month between the redistricting deadline and candidacy filing period, which ends on May 20.

Ultimately, the Supreme Court [approved the Commission’s maps](#) and determined that the Commission’s process met the constitutional deadline for assembling the maps, detailed in a [press release here](#). This decision retains the ability of the legislature to



make minor adjustments to maps with approval from 2/3rd of each chamber. Legislative changes must be made before February 10, 2022, or the existing maps will take effect.

The Commission's opaque conduct during their final meeting on November 15 remains subject to public scrutiny. The Supreme Court has not weighed in on whether the Commission violated the Open Public Meetings Act, and a legal challenge may still come forward on this issue, potentially voiding the Commission's maps.

Designated Crisis Responder Letter

In anticipation of the 2022 policy discussions, GTHGA worked with County staff to draft a letter asking the legislature to consider clarifications to House Bill 1310 to ensure designated crisis responders may continue to intervene in emergency situations. The draft letter has been circulated for feedback; we are asking for approval of this draft letter to distribute to the Snohomish County delegation.

2022 Policy Preview

As session approaches, legislative discussions have coalesced around key topics for session. Below are updates on policy areas that are likely to be explored in the 2022 legislative session.

Long Term Care Act

The legislature enacted the nation's only Long-Term Care Act policy in 2019. The long-term care benefits provided for in the Act are funded through a .58 percent payroll tax that is scheduled to go into effect on January 1, 2022. Significant public outcry regarding several provisions of the Act prompted the [filing of I-436](#), an initiative to the legislature allowing people to opt-out of the Act at any time – current law required people to opt out by November 1, 2021. If nearly 400,000 signatures are gathered by December 31, the legislature will have three options: place the initiative on the November 2022 ballot, adopt the initiative as drafted, or place the original initiative proposal as well as an alternative on the November 2022 ballot. [Click here](#) to read recent media coverage on this topic.

Additionally, Senate Democrat Leadership recently sent a letter to the Governor asking that he explore options to pause enacting the Act as scheduled on January 1, 2022 to allow the legislature to consider [potential changes to the Act](#) in 2023. Interestingly, this letter came only from Senate Democrat Leadership, and not from House Democrat Leadership, i.e., Speaker Laurie Jenkins, who was the original sponsor of the legislation in 2019.

Depending on what changes the legislature makes, or doesn't make, during the 2022 session, there are rumors of an initiative to the people or referendum on the subject for inclusion on the November 2022 ballot. This adds to the pressure on the legislature to enact changes during the 2022 session.

Police Reform/Public Safety

After significant public input, democrat legislators have committed to advancing clarifying proposals in 2022 to police reform legislation adopted last session. Importantly, legislators leading this effort have stated they will not advance proposals that roll back the reforms. The small group of democrat legislators that led the 2021 police reform effort (Rep. Roger Goodman (D- Seattle), Rep. Jesse Johnson (D- Federal Way), Sen. Manka Dhingra (D- Redmond) are leading the clarifying effort. It is anticipated they will introduce proposals clarifying:

- 1) Bean bag rounds may be used as a nonlethal alternative;
- 2) Law enforcement is authorized to respond to community caretaking (e.g. welfare check) calls;
- 3) Law enforcement is authorized to use force in behavioral health scenarios involving the Involuntary Treatment Act; and
- 4) Law enforcement is authorized to use force under the reasonable suspicion rather than probable cause standard in select situations.

The last item on this list is the most challenging to address and it is unclear how broad or narrow this proposal will be. [AWC](#) and [WASPC](#) have each adopted agendas that speak to this clarifying effort.

Legislators are also considering proposals to bolster funding for public safety programs, including alternative response models (co-responder programs), the basic law enforcement academy for training, treatment programs for those suffering from substance abuse, and more.

Senate Republicans have indicated they will be launching a “Fund the Police” effort that increases funding for law enforcement throughout Washington State. Within this proposal there may be funding available for local agencies, including funding for body worn cameras.

Blake Response

Discussions continue around implementation of the state *Blake* response, enacted in [Senate Bill 5476](#). The House Public Safety Committee hosted a work session during House Committee Days featuring a variety of perspectives on the impact of the *Blake* Decision and the implementation of the state’s response. Throughout the meeting, Committee Chair Rep. Roger Goodman (D- Seattle) reiterated that he did not anticipate substantive policy changes to the state’s *Blake* response in the 2022 legislative session; rather, the legislature would provide additional funding for *Blake* response and programs established under Senate Bill 5476. [Click here](#) to view committee documents and [here to watch the meeting](#).

Municipal and District Therapeutic Courts

The legislature provided \$4.5 million for the Administrative Office of the Courts (AOC) to administer a grant program for district and municipal courts to establish therapeutic



courts. AOC requested that all district and municipal courts apply for the program and received applications totaling \$9.4 million. A total of 22 grants were awarded, funding therapeutic courts in 26 jurisdictions (as some courts jointly applied). Therapeutic Courts Committee will be reaching out to provide technical assistance to awarded jurisdictions in early 2022 to initiate next steps and establish a uniform data tracking system for reports back to the legislature. There will be a request for additional funding to fund the remaining therapeutic court applications.

Blake Triage Team

County prosecutors and the Office of Public Defense (OPD) provided the Committee an update on the status of resentencing and vacating convictions and reimbursing associated legal financial obligations (LFOs). OPD will be putting forward a request to establish a *Blake Triage Team* to provide smaller counties with staffing support for work associated with resentencing and vacating convictions.

Environmental and Climate Policies

Advancing proposals that aim to decarbonize the environment continues to be a priority for the Governor, democrats, and environmental advocates.

Earlier this interim, Governor Inslee issued an executive order to fully electrify Washington state's public fleets and transition to a 100% zero-emission light duty fleet by 2035, as well as 100% zero-emission medium and heavy-duty state fleets by 2040. Building on that effort, the Governor is anticipated to release a salmon recovery package in mid-December as part of his supplemental budget proposals. The package is anticipated to propose three years of investments focused on habitat and riparian restoration and protection, water quality and quantity, fish passage and reintroduction, and climate resiliency.

In 2022, Rep. Alex Ramel (D- Bellingham) is expected to release a series of bills to decarbonize buildings that build upon policy discussions from the 2021 session on [House Bill 1084](#). Additionally, Sen. Mona Das plans to introduce the "RENEW Act" at the request of Zero Waste Washington to establish an extended producer responsibility program in Washington State to cover plastic, paper, aluminum, steel, and glass.

House Republicans have [announced](#) a counter climate policy called the Outdoor Recreation and Climate Adaptation (ORCA) Act. The proposal allocates Climate Commitment Act funds on recreational parks, forest health, drought resiliency, flood mitigation, and sustainable water supply, instead of non-highway transportation spending. This proposal is not likely to advance in a majority democrat legislature.

Land Use/Density

The Governor's Office and some legislators have indicated a desire to have a robust policy discussion during the 2022 session on land use policy, including eliminating single-family zoning similar to Oregon and California, zoning near transit corridors,

regulation of accessory dwelling units, and more. It is anticipated that several competing proposals will be introduced, many of them preempting local control in this area. In anticipation of this discussion, the Senate Housing and Local Government Committee held a [work session](#) on the topic last month. In the work session, committee members heard from staff from the City of Minneapolis that recently eliminated single-family zoning, and the City of Houston that has not had zoning since the 1940s.

In addition to these proposals, legislators are also discussing several proposals making changes to the Growth Management Act (GMA) that will carry over from the 2021 legislative session. This includes three bills that advanced as a package in the 2021 session: adding a climate element to the GMA ([House Bill 1099](#)), adding salmon recovery to the GMA ([House Bill 1117](#)), and changing the comprehensive plan and Shoreline Management Plan update cycle from 8 to 10 years ([House Bill 1241](#)).

Additionally, the 2021 legislature approved but did not fund [House Bill 1220](#). This legislation required an update to the housing element to the GMA, but only if sufficient funding was provided. Budget writers are likely to consider allocating funding local jurisdictions to update the housing element in their comprehensive plans in the next update cycle consistent with House Bill 1220.

In recent legislative sessions, cities and counties have indicated a strong need for increased funding for planning activities. In response, the Department of Commerce is recommending that the Governor include \$10 million for a grant program for local governments to complete statutory planning requirements in his 2022 supplemental operating budget. The funding would be allocated through four types of grants: formula grants for periodic updates, formula grants for buildable lands, competitive grants for specific community actions and research grants. For the formula grants, smaller jurisdictions would receive larger awards since they have more limited staffing capacity. See below for the Commerce proposed grant amounts based on jurisdiction size.

City

Class	Population		Grant Amount	Jurisdictions
Non GMA City	-	3,000	\$20,000	63
GMA City	-	3,000	\$55,000	87
GMA City	3,000	10,000	\$80,000	47
GMA City	10,000	50,000	\$90,000	59
GMA City	50,000	100,000	\$150,000	17
GMA City	100,000	1,000,000	\$300,000	8

Non GMA City	Critical Areas Ordinance
GMA City	CAO, Comp plan and Dev Regs

County

Class	Population		Grant Amount	Jurisdictions
Non GMA County	-	10,000	\$100,000	2
Non GMA County	10,000	100,000	\$150,000	8
Non GMA County	100,000	10,000,000	\$350,000	1
GMA County	-	10,000	\$200,000	2
GMA County	10,000	100,000	\$300,000	15
GMA County	100,000	10,000,000	\$700,000	11

Partial County	Critical Areas, Resource Lands
GMA County	Critical Areas, Resource Lands, Comp plan, Dev regs, UGA Review



Tax Policy

As previously noted, the legislature is not likely to advance significant tax policy changes during the 2022 session. During the 2021 session, the legislature enacted a capital gains tax that is currently in litigation and not likely to be resolved before the session adjourns in March. There are several legislative proposals from 2021 authorizing local governments to enact taxes as a local option that are likely to continue to be discussed in 2022, including [House Bill 1058](#), authorizing a local sales tax increase to fund arts programs, and [House Bill 1025](#), authorizing a local sales tax increase to fund parks.

While not likely to advance in 2022, the House Finance Committee recently heard an [update](#) on the progress of the Tax Structure Work Group (TSWG) which has been working since 2017 to “identify options to make the Washington State tax code more fair, adequate, stable, and transparent.” The TSWG recently held virtual town halls and will make recommendations to the legislature prior to the 2023 session.