

2022 End of Session Report



The Voice of
Washington
Counties

2022 Legislative Session Overview

The 60-day 2022 Legislative Session was a tough one this year. It was the second year in a remote-only format and tackled issues substantively more appropriate for a 105-day session. The following summary outlines the session as it relates to WSAC's policy goals; but for many legislative sessions, including this one, success is also measured by what didn't pass and wasn't listed as a policy goal.

For example, WSAC successfully defeated several bills that would have increased your civil legal liability:

- SB 5155 would have allowed plaintiffs to collect interest from the date of the alleged incident rather than the date of judgment regardless of the reason for delay, most of which are outside of a county's control, and regardless of when the county was notified.
- SB 5116, automated decision systems, could have subjected local governments to restrictions and oversight for systems that are difficult to define. The governor vetoed a budget proviso that provided \$100,000 to develop an initial inventory of all automated decision-making systems and adopt guidance by June 30, 2022, but is directing the work to be completed by November 30, 2023.
- While no one opposes voting rights, SB 5597 needs a lot of technical work before it's ready for prime time. Several of our amendments were accepted, but this bill is too complicated to introduce for the first time in a short session.



Responding to the COVID Crisis



Disease Response and Containment

POSITION

Adequate funding for case investigation, vaccination, and public outreach/education. Adequate funding for coordination of care for people isolated in quarantine who need support beyond testing.

OUTCOME

- \$124.8 million to maintain efforts to control the spread of COVID-19 through testing, care coordination, outbreak response, disease surveillance, and COVID-19 vaccine work to address unequal vaccination coverage across the state. Funding is appropriated to the DOH to work with local health jurisdictions to fund local activities and services not reimbursed through FEMA.



Behavioral Health

POSITION

Adequate funding for the behavioral health system, including jails.

OUTCOME

- The Supplemental budget included additional grants totaling \$814,000 to establish new school-based health centers and add behavioral health capacity to existing school-based health centers.
- The Legislature passed HB 1074, which authorizes local health jurisdictions to implement fatality review teams to inform community-centered strategies to combat overdose and suicide deaths.
- \$1.3 million is provided to address gaps in strategies to prevent youth suicide. This includes funding to implement youth suicide prevention campaigns.

Counties - the State's partner for progress



Government Operations

POSITION

Modifying Washington's existing Open Public Meeting Act and Public Records Act to preserve their spirit while ensuring compliance.

OUTCOME

- The final version of HB 1329 includes key provisions of HB 1056. The combined bill allows counties to conduct fully remote meetings when a local or statewide emergency is declared; requires the opportunity for public comment in certain circumstances; requires the opportunity for public comment remotely, if feasible, upon the request of an individual for whom in-person attendance is difficult; and requires most public agencies, except the smallest, to post agendas online. Public agencies are encouraged to provide for increased access and participation through the use of remote technologies.



Courts

POSITION

Provide counties with funds to alleviate the impacts of the already backlogged court system worsened by the pandemic.

OUTCOME

- \$2.05 million is provided to assist trial courts across the state in addressing the backlog created by the pandemic through the use of pro tem judges and backlog coordinators.
- \$2.5M for trial courts to address impacts of the COVID-19 pandemic.
- \$5M for audio visual upgrades in courtrooms across the state.
- \$4.9M for grant funding to counties for the creation of new therapeutic courts or expansion of services in existing therapeutic courts.



Affordable Housing

POSITION

New investment in stabilizing housing situations for tenants and homeowners.

OUTCOME

- SB 5868 adds workforce housing to the list of authorized uses for the .09 sales and use tax for public facilities in rural counties.
- The legislature included historic investments in affordable homes and homelessness prevention.
 - There were over \$400 million new dollars in the Capital Budget for housing, including \$114 million for the Housing Trust Fund, \$240 million for rapid housing acquisition.
 - There were also funds dedicated to homeless youth facilities, the new Apple Health and Homes program, housing preservation, and affordable housing development.
 - The Operating Budget included funding for pre-eviction legal aid, homelessness service providers, rental assistance, foreclosure prevention, permanent supportive housing, and services to help transition people from unsheltered homelessness into affordable housing.
 - It also included a permanent increase to the Aged, Blind, and Disabled (ABD) cash grant from \$197 to \$417 per month.
 - The total two-year capital investment for building or acquiring affordable homes and shelter is over \$734 million.



Combatting Climate Change and Protecting Our Environment



Climate Change

POSITION

Adequate funding and flexibility to adapt any new climate change impact reduction responsibilities to local conditions.

OUTCOME

- E2SHB 1099 would have added a new goal to the GMA for addressing climate change. It included requirements for some counties to plan for reducing GHG emissions and vehicle miles traveled. It also would have required all counties to address issues of climate resiliency. However, the bill died in the House at the last minute.
- \$5.41 million was provided in the Operating Budget for implementing E2SHB 1099, including the costs of local government planning, but the bill did not pass.
- The Operating Budget includes grant funding to increase solar deployment and battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs.



Salmon Habitat

POSITION

Provide adequate funding to repair or replace thousands of fish-blocking culverts and maximize habitat recovery through a coordinated watershed-based program.

OUTCOME

- The legislature allocated \$2.435 billion for state owned barriers. While no funding was provided for local governments, the new legislation does include “intent” language that will hopefully have the effect of strengthening the cooperation between the state and local governments so that we can work together through the Brian Abbott Fish Barrier Removal Board to coordinate projects and resources and optimize habitat restoration and species recovery. Specifically, the new language states that the appropriation for WSDOT’s fish barrier removal projects may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided through the new national culvert removal, replacement, and restoration program in the IJA.



Forest Health

POSITION

New resources for improving forest health, enhancing fire resiliency, responding and containing wildland fires, rehabilitating affected areas, and coordinating prescribed burns.

OUTCOME

- The DNR proposed legislation to enhance forestland conservation programs and to implement programs to expand forestland in the state (HB 1895, SB 5633). The bill ultimately failed.
- \$10 million is provided in the operating budget to provide funding for the DNR to purchase lands to replace state forestlands encumbered by the marbled murrelet long-term conservation strategy in five counties.
- HB 1891 was introduced this session, instructing DNR to conduct a rangeland fire protection association pilot project to better assess the measures needed to ensure the safe and effective operation of rangeland fire protection associations. The bill was not passed.



Growth Management

POSITION

Greater flexibility in managing growth, and a new, reliable, sustainable funding source for planning requirements, and funding for any new ones.

OUTCOME

- E2SHB 1241 extends the mandatory comprehensive planning update cycle from eight years to ten. It also adds a five-year implementation check-in for the largest and fastest growing counties.
- SHB 1717 creates a process for tribes to participate in local comprehensive planning. It also requires local governments to include strategies for addressing tribal cultural resources in county-wide planning policies.
- 2ESSB 5275 allows greater flexibility for infill and redevelopment in designated LAMIRDs. It also expands the allowed uses within LAMIRDs.
- ESSB 5593 creates a prescriptive pathway for counties to adjust UGA boundaries based on prevailing development patterns.
- \$10 million is included in the Operating Budget for grants to local government for planning.

Waste Management

POSITION

Modern, safe, and working infrastructure is critical to county solid waste programs meeting growing demands and protecting the environment. Dedicated funding for investing in the future of solid waste management is crucial for success.

OUTCOME

- E2SHB 1663 requires landfills of a certain size and that emit a certain level of methane gas to install landfill gas capture systems. Landfills with existing gas capture systems must also meet new standards and may require upgrades.
- E2SHB 1799 implements requirements for managing organic wastes differently by separating them from other solid wastes, removing them from landfilling practices, and requiring expansion of composting and anaerobic digestion facilities. The bill includes a requirement to study the costs of various solid waste proposals and develop strategies for future funding of solid waste programs.

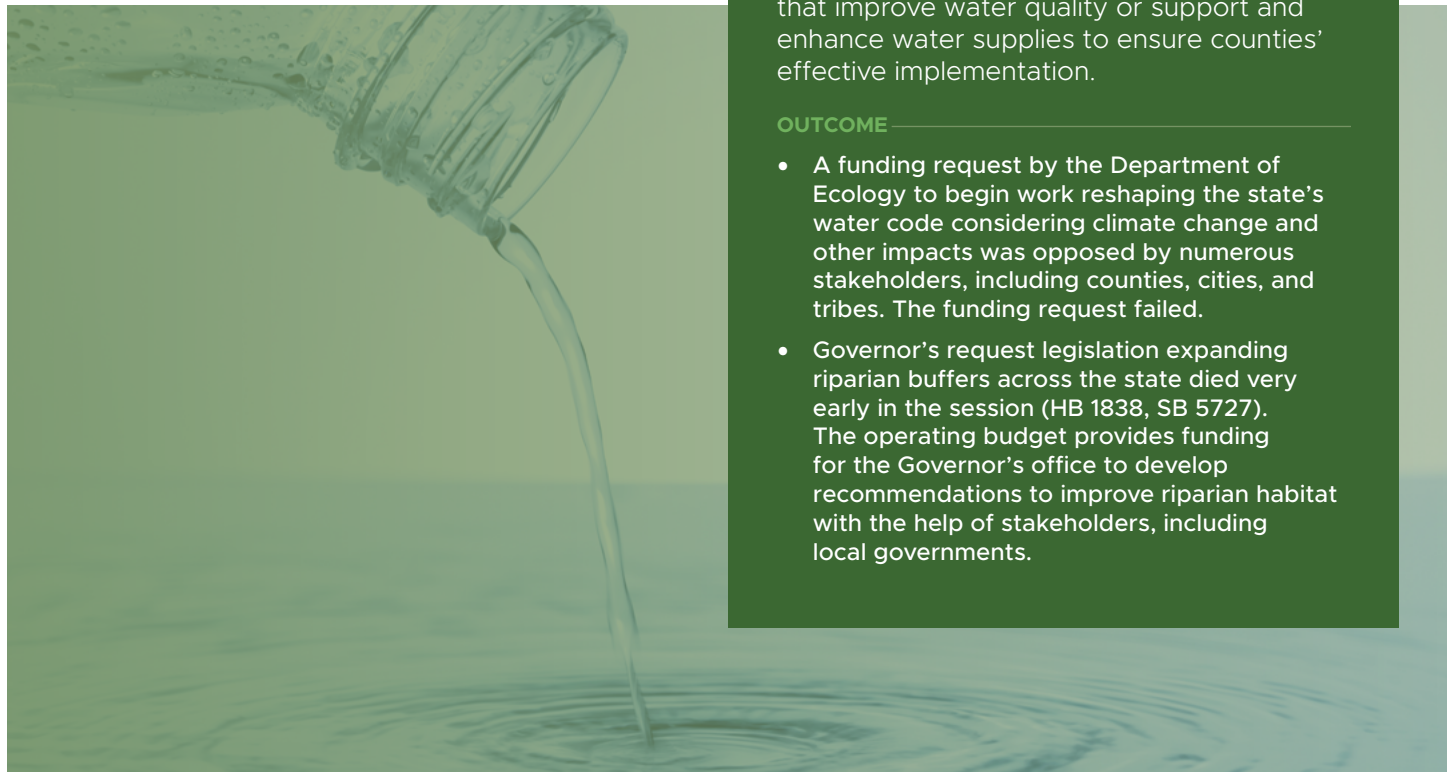
Water Quality and Water Supply

POSITION

Dedicated funding for state programs that improve water quality or support and enhance water supplies to ensure counties' effective implementation.

OUTCOME

- A funding request by the Department of Ecology to begin work reshaping the state's water code considering climate change and other impacts was opposed by numerous stakeholders, including counties, cities, and tribes. The funding request failed.
- Governor's request legislation expanding riparian buffers across the state died very early in the session (HB 1838, SB 5727). The operating budget provides funding for the Governor's office to develop recommendations to improve riparian habitat with the help of stakeholders, including local governments.





Ending Racial Disparities and Social Inequities



Health Disparities

POSITION

Stable and adaptive funding for public health departments to increase capacity, modernize, and manage emerging threats and longstanding health impacts.

OUTCOME

- \$5 million to support community-based strategies for cessation, treatment, and prevention from tobacco and vapor products, including education and prevention centered on reducing youth access.
- HB 1893 passed and gives local public health the authority to grant EMTs additional medical oversight during local emergencies as a strategy to increase access to care in remote areas.



Public Defense

POSITION

Adequate funding for trial court public defense costs to ensure the constitutionally protected right to a defense attorney for all.

OUTCOME

- No additional funds were allocated for public defense.



State v. Blake

POSITION

Provide funds to cover the full cost of the State v. Blake decision.

OUTCOME

- Within the Administrative Office of the Courts (AOC): Reallocating \$44.5 million to counties in the Judicial Stabilization Trust Account for resentencing and vacating Blake convictions. \$46.75 million in the same account to establish an LFO aid pool for counties to refund LFOs and collection costs from Blake convictions. A direct refund process will be established.
 - \$63,000 for 2022 and \$251,000 for 2023 to facilitate and coordinate the scheduling of resentencing hearings.
 - \$2.025 million for AOC's administration of Blake. This must include collaborating with courts, clerks and administrators to prepare Blake reports; and establishing a process to locate individuals for LFO refunds.
 - \$131,000 for a court policy analyst position to support the district and municipal courts judges' association with Blake.
- Cities: \$1.5 million for cities to comply with Blake ruling for resentencing and vacations and \$10 million for the LFO aid pool.
- For the Office of Public Defense (OPD): \$286,000 for 2022 and \$1.008 million for 2023 for the implementation of a triage team to provide statewide support to the management and flow of hearings for individuals impacted by Blake.
- For the Office of Civil Legal Aid (OCLA): \$2.25M to continue and expand online automated plain language forms, outreach, education, technical assistance, and legal assistance to help resolve civil matters related to Blake.
- \$2 million for the Health Care Authority (HCA) to increase contracts for recovery navigator services in ESB 5476, which must be used to increase funding for services in King, Pierce, and Snohomish counties.
- \$500,000 to increase contingency management resources in SB 5476.



Making Long-Term Investments, Securing Long-Term Solvency



Road Maintenance

POSITION

Reliable, sustainable funding for county transportation budgets.

OUTCOME

- The Move Ahead Washington Transportation package includes
 - \$10 million to the County Road Administration Board per biennium solely for additional preservation funding allocations through County Arterial Preservation Program (CAPP).
 - \$1.250 million for prevention of rural roadway vehicle lane departures.
- The final transportation budget also includes a Joint Transportation Committee process over the interim for making a recommendation to the Legislature regarding the state/local split of formula distributions for the IJJA.
- HB 1918 would have required the transition to zero-emission outdoor power equipment had it passed.
- HB 1722 would have allowed companies to “microtrench” to lay broadband fiber. The bill did not pass but the budget includes a proviso establishing a task force on broadband deployment.
- ESSB 5974 includes new local option authority related to Transportation Benefit Districts (TBD). Local jurisdictions that have formed a TBD now have authority to implement one-tenth of one percent sales tax revenue for their District and can extend revenue collection beyond 10 years.



Capital Investments

POSITION

Counties are responsible for maintaining a variety of public facilities and infrastructure and need state investment in water, sewer, solid waste, and buildings to keep them safe and functional.

OUTCOME

- The Public Works Board received \$120 million new authority to spend in 2021-23 biennium. The authority does not necessarily equate to the ability to spend funds, which they may not have available after \$57 million per year is transferred to the Move Ahead Washington transportation account.

- \$25 million federal appropriation for Public Works Board broadband program.
- \$50 million to the State Broadband Office for broadband infrastructure grants with prioritization given to applications where the lead applicant is a public entity. A public benefit for at least 25 years is required.
- \$25 million to the Community Economic Revitalization Board (CERB) for loans and grants to local governments and tribes for infrastructure to provide high speed, open access broadband to rural and underserved areas. No more than 50% of all financial assistance by CERB can go to broadband.
- \$40 million to CERB for capital construction projects that assist communities with financing publicly owned economic development infrastructure improvements to encourage new business development and expansion.



Fiscal Solvency

POSITION

New authority for counties to control their cost drivers and grow revenue sources that keep pace with increasing costs.

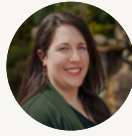
OUTCOME

- HB 1333 would have extended the .09 sales and use tax for public facilities in rural counties until 2054. Despite significant coalition efforts, this bill died last year and this year in the Senate. However, a proviso was included in the final operating budget that requires the State Auditor to publish the reports counties provide regarding how they use the tax.
- HB 1921 would have provided an optional “payment in lieu of taxes” alternative to the standard taxing structure for counties siting solar and wind electricity facilities. Another bill too complicated for a short session, it died in the House.
- HB 1672 would have removed the Conservation Futures District property tax levy from the 1% levy growth limit. The bill died in the House Finance Committee.
- HB 1965 would have permitted counties to collect the Veterans’ Assistance Levy and the Mental Health and Developmental Disabilities Levy as separate levies outside the growth limit. This bill made it out of committee but died in House Rules.
- SB 5796 restructures cannabis revenue appropriations, which delivered an additional \$5 million to local governments in the final operating budget.

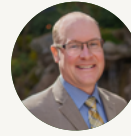
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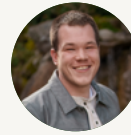
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Legislative Steering Committee

The Legislative Steering Committee (LSC) is responsible for preparing and recommending a proposed legislative agenda for the review and approval of the active WSAC members. The LSC monitors the events of each legislative session and is empowered to adopt policy relating to legislation, executive branch policies and operation, and the activities of other organizations and associations.



39 counties
involved

**Kate Dean,
Co-Chair**
Jefferson County
Commissioner

**Brad Peck,
Co-Chair**
Franklin County
Commissioner

LSC ROSTER

Dan Blankenship
Adams County

Chris Seubert
Asotin County

Jerome Delvin
Benton County

Kevin Overbay
Chelan County

Bill Peach
Clallam County

Gary Medvigy
Clark County

Charles Amerein
Columbia County

Dennis Weber
Cowlitz County

Dan Sutton
Douglas County

Derek Gianukakis
Ferry County

Brad Peck
Franklin County

Jim Nelson
Garfield County

Rob Jones
Grant County

Vickie Raines
Grays Harbor County

Jill Johnson
Island County

Kate Dean
Jefferson County

Joe McDermott
King County Council

Dow Constantine
King County Executive

Robert Gelder
Kitsap County

Laura Osiadacz
Kittitas County

David Sauter
Klickitat County

Lindsey Pollock
Lewis County

Scott Hutsell
Lincoln County

Sharon Trask
Mason County

Chris Branch
Okanogan County

Lisa Olsen
Pacific County

John Gentle
Pend Oreille County

Derek Young
Pierce County Council

Ryan Mello
Pierce County Council
Alternate

Bruce Dammeier
Pierce County Executive

Jamie Stephens
San Juan County

Lisa Janicki
Skagit County

Bob Hamlin
Skamania County

Megan Dunn
Snohomish County Council

Dave Somers
Snohomish County
Executive

Al French
Spokane County

Wes McCart
Stevens County

Carolina Mejia
Thurston County

Lee Tischer
Wahkiakum County

Greg Tompkins
Walla Walla County

Kaylee Galloway
Whatcom County Council

Satpal Sidhu
Whatcom County Executive

Art Swannack
Whitman County

Amanda McKinney
Yakima County