INTRODUCTION

We are now more than a quarter of the way through the 2020 session, and the first cutoff is a week away. On Friday, February 7, all policy bills must be passed out of their committees and read into the floor calendar in their house of origin to remain under consideration this session. Many, many bills will meet their demise at that moment. We’ll be celebrating the departure of the bad bills, and lamenting the loss of good bills. The coming week will see high effort from your WPPA team to ensure that the bills we care about land in the right place.

Among the slough of bills that will not advance will be several designed to modify the Growth Management Act (GMA) in ways mostly related to environmental issues and housing. We will see these bills return next session in a more developed state. As a result, we are already planning an interim workstream to ensure our interests help guide their development. Other evolving issue areas that received legislative attention this week include local and state government relationships with tribes and reducing the greenhouse gas emissions associated with transportation fuels. Both of these areas will also figure into WPPA interim work.

Of importance this week, the WPPA held its annual Port Day in conjunction with the Washington Maritime Federation. There was great attendance from ports and, importantly, significant attention paid to us by key legislators,

Thank you to all who trekked to Olympia to tell our story and advocate on our issues.

GOVERNANCE & ELECTIONS

PUBLIC RECORDS GRACE PERIOD. SB 6543, sponsored by Senator Short of the 7th Legislative District, would allow local governments a grace period of 15 days after the close of an initial public records production if subsequent records were located and released to the requestor. During this period, the court may not assess any penalties. The bill is scheduled for a public hearing in Senate State Government Committee Friday, February 7. WPPA will testify in support.

SPECIAL PURPOSE DISTRICTS – ODD YEAR ELECTIONS. HB 2529 would require all special purpose districts to move elections to the even year, to eliminate odd–year elections in this state. For WPPA, the major concern is that with so many elections appearing on one single ballot, port commissioner races would become lost or invisible in a sea of ballot items. WPPA signed in as Opposed. The bill must move out of the policy committee before the February 7 deadline, or it will be considered dead.

REPORTING REQUIREMENTS FOR SMALL PORTS. The House Local Government Committee moved HB 2588 out of committee with a unanimous vote. WPPA expressed concern in the public hearing that the smallest port districts with little or no staff and no websites would be mandated to post agendas, minutes and meeting notices online. These entities usually don’t have the budget or the staff to maintain a website, so some new provisions in HB 2588 would be difficult. Amendment language was written to narrow the current exemption as a compromise, but it did not make it into the substitute bill. WPPA will continue to work to address these concerns.

PROTECTION OF CULTURAL SITES. SB 6519 and HB 2850 would create new review guidelines for any groundbreaking activity utilizing state funds. This new review process intends to identify potential impacts
to archaeological, historical, and cultural sites prior to the start of any new groundbreaking project. Due to the complications of this issue, the discussion will very likely be moved to the interim. For now, these bills appear to be on hold.

**ECONOMIC DEVELOPMENT**

**TAX INCREMENT FINANCING.** HB 2804 reestablishes the local revitalization financing program (LRF) and permits a state contribution of up to fifteen million dollars per fiscal year for projects approved after January 1, 2021. This proposal is scheduled for a hearing on February 5 in the House Local Government Committee. A port representative will testify in support of this bill, along with cities.

**COMMUNITY REDEVELOPMENT FINANCING ACT.** HB 2778 (and the companion HJR 4212) authorizes port districts, cities, and counties to create apportionment districts to finance public improvement projects. The Community Redevelopment Financing Act would require an amendment to the State Constitution to allow this traditional TIF program. The bill and companion joint resolution were sent to the House Finance Committee, and our understanding is that the bill will be scheduled for a hearing the week of February 10.

**LABOR**

**MINIMUM LABOR STANDARDS AT MUNICIPAL AIRPORTS.** This past week, hearings on SB 6217 and HB 2715, relating to minimum labor standards at municipal airports, were held. The issue relates to wage standards for airport workers after the passage of the City of SeaTac’s Proposition 1. WPPA testified that while the bill is permissive and intends to address an issue at SeaTac, the bill language as written would affect all port air facilities and include other property owned by ports with air facilities. Discussions are underway to find alternatives to this approach.

**PROHIBITING SHIPPING AUTOMATION.** WPPA is watching companion bills (HB 2828/SB 6535) which would prohibit port districts that handle shipping containers from making investments in equipment that could automate marine container handling at ports in Washington. HB 2828 will be heard in the House Local Government Committee next Tuesday and is already scheduled to be voted on by that committee next Friday. SB 6535 will be heard on Monday in the Senate Transportation Committee. The Senate bill currently has no scheduled executive session.

WPPA has concerns about these bills not only because they limit our authority to make necessary business decisions but they also limit port’s
ability to remain competitive in a market that is already incredibly competitive. WPPA is following these bills to ensure freight rail is not impacted by decisions made to improve safety or restart or delay service along the Point Defiance rail bypass.

ENVIRONMENT

MARINE VESSEL REVISIONS. HB 2769/SB 6528 aim to accomplish the following:

1) remove a $200,000 cap on spending on the voluntary vessel turn-in programs
2) revise current law reducing the size of vessels covered by the existing time of sale requirements from 65 feet to 35 feet
3) establish new enforcement authorities for the Department of Natural Resources
4) create a grant program to support local law enforcement efforts to reduce the number of derelict vessels.

We expect one of these bills to pass. Based on feedback from members, WPPA supports both versions.

NET ECOLOGICAL GAIN FOR DEVELOPMENT PROJECTS. The intent of HB 2550 is to require development projects to implement mitigation that results in a “net ecological gain.” It requires state environmental agencies to complete rule-makings to conform with this goal. The Office of Financial Management (OFM) is required to report on how to incorporate net ecological gain into state land use, development, and environmental laws and rules, including SMA, GMA, and MTCA.

WPPA testified in opposition to the bill because it does not clearly define our members’ responsibilities under the law. Local government associations are seeking focus on a study to define “net ecological gain,” and we are working with the prime sponsor in support of this approach.

GHG CAP AND TRADE PROGRAM. SB 5981 would enact a cap-and-trade program to reduce greenhouse gas emissions in Washington. The proposal would:

1) establish a cap-and-trade program for greenhouse gas (GHG) emissions to be implemented by the Department of Ecology;
2) require the program to limit GHG emissions to meet statewide GHG emission levels revised for 2035 and 2050;
3) specify distribution of auction revenues to specific energy efficiency projects, assistance to low-income households and highly impacted communities, and climate change impacts and natural resource resiliency.

Senator Carlyle (Chair, Senate Energy, Environment and Technology) and Senator Hobbs (Chair, Senate Transportation) have been working to reconcile how to use money raised through the auction of emission credits. They are considering that our revenue could be incorporated into a future transportation funding package. The bill is scheduled for a hearing on February 4 in the Energy, Environment, and Technology Committee. WPPA is currently neutral on the bill.

ADDICTION OF CLIMATE CHANGE GOALS TO GMA. HB 2427/SB 6453 add climate change goals to the planning goals of the GMA. If enacted, GMA planning jurisdictions must ensure that comprehensive plans,
development regulations, and regional policies, plans, and strategies under countywide planning policies and regional transportation planning organizations:

1) adapt to and mitigate the effects of a changing climate;
2) support state GHG emission reduction requirements and state vehicle miles traveled goals;
3) build resilient infrastructure;
4) nurture environmental, economic, and human health.

HB 2427 is scheduled for executive action on February 4.

ACCELERATION OF GHG GOALS. HB 2311/SB 6272 increase the pace at which greenhouse gas (GHG) emission goals are achieved and states that by 2050, the state as a whole must achieve net-zero greenhouse gas emissions. State agencies are required to maximize carbon-sequestration in their activities to achieve the GHG reduction goals established in law.

WPPA testified on the bill to highlight the flexibility a “net-zero” statewide policy could provide to allow incremental, project-related increases to be offset by reductions elsewhere. HB 2311 will be heard in House Appropriations on February 3. WPPA is neutral on the bill.

AVIATION

AVIATION LEGISLATION. SB 5011 would make the Community Aviation Revitalization Board permanent. This bill remains on the Senate floor awaiting a vote. WPPA urges you to talk to your Senator about the importance of this new program and ask it to be voted on by the Senate soon. WPPA’s top aviation priority for this session is HB 1457, which would reallocate 1% of the aviation fuel tax to be spent on airport infrastructure with larger and more awards through the Airport Grants Program. The bill remains in the House Rules Committee. WPPA is actively working with stakeholders on an amendment requested by Representative Fey.

PUBLIC WORKS

PUBLIC WORKS CONTRACTING. WPPA testified with concerns on HB 2744 this week. The bill would transform our public works contracting laws, shifting from predominantly a low-cost strategy to one that establishes a program where public owners must prioritize, monitor, and report on the environmental scoring for the materials used in construction. The bill is complicated, and WPPA is convening our members with expertise to help provide input on this bill. We continue to work with the bill sponsor and urge members to communicate their concerns about this bill with your members. The bill is scheduled to be voted on by Committee next Thursday.

Another bill that ports should be following in is SB 5456, which would create a buy-America or recycled steel for public works projects contemplated by port districts. The bill will be heard in the Senate Transportation Committee on Monday.

TRANSPORTATION

FORWARD WASHINGTON. The Senate Transportation Committee will have a work session on Senator Hobbs’ new revenue transportation package introduced last year as Forward Washington. While Senator
Hobbs acknowledges the legislation is unlikely to move this year, he wants to continue to hear from constituents about the need for increased funding for transportation as well as understanding if the priorities he has outlined adequately address the needs.

WPPA is supportive of the Forward Washington package and we are interested to learn more about how this package would dovetail with Senator Carlyle’s “Cap & Invest” carbon proposal (SB 5981). Forward Washington will be heard in the Senate Transportation Committee on Thursday, while the Cap & Invest Bill will be heard on Wednesday in the Senate Environment, Energy & Technology Committee.

**LOW CARBON FUEL STANDARD (LCFS).** The House debated HB 1110 for more than three hours this week and soundly passed the bill out of the chamber. This bill (and its Senate counterpart SB 5412) would establish a Low Carbon Fuel Standard in state. Currently, over 40% of greenhouse gas emissions in Washington result from transportation and this bill attempts to address this by providing incentives for the use of more less carbon-intensive energy to transport people and goods in the state. No action was taken on SB 5412 this week. HB 1110 moves to the Senate. No hearing has been scheduled.

**HARBOR MAINTENANCE TAX.** Senate Joint Memorial (SJM) 8016 was moved out of committee this week. The Joint Memorial would urge Congress to address the imbalance in funds distribution of the Harbor Maintenance Tax. For information, unanimous support among deep-water ports in the US on a plan to spend the trust fund backlog and a framework on providing greater equity in the distribution of the funds in the trust fund. WPPA will advocate for this joint memorial to be heard on the Senate floor.