

# WACD Legislative Bulletin

## Week Three

The legislature will reach its first self-imposed deadline this coming Friday, February 2nd whereby non-fiscal bills must advance from the policy committee to remain alive. Committee chairs continue to pass bills “as works in progress” to make sure the bills don’t die in the policy committee.

The state’s **revenue and economic forecast** will be released on February 15th, and at that time, budget writers will fine-tune their supplemental budgets. The revenue forecast is expected to be favorable, with significant increases in forecasted revenue growth over the next 4 years. The House and Senate proposed budgets will be released in mid-to-late February, and at that time, any accompanying tax bills that may be needed to fund the respective budgets. With mid-term elections occurring in 2018, support in either chamber for a major tax increase this session is not expected.

Democrats in charge of the Senate for the first time in five years are working quickly to address some of their priority issues including regulation of firearms, repeal of the death penalty and other hot button topics. Democratic majorities in both Houses are working on legislation to address greenhouse gas emissions. While many Republicans support the goals, they have major concerns about the impacts on the state’s economy of the various bills being considered.

Last week, the Senate approved a bill, [SB 5992](#) (Sen. Van De Wege), to ban **bump stocks**, the type of rapid-fire trigger modification that entered the national consciousness after last fall’s mass shooting in Las Vegas. A “bump stock” replaces a rifle’s standard stock, which is the part held against the shoulder. It frees the weapon to slide back and forth rapidly, harnessing the energy from the kickback shooters feel when the weapon fires. SB 5992 bans the manufacture and sale of bump stocks in Washington, and also bans the possession of bump stocks beginning in July 2019.

Also last week, a Thurston County judge ruled that records such as lawmakers’ emails, work calendars and staff complaints involving legislators are subject to **public disclosure**. The Legislature has long argued that it was exempt from the state Public Records Act and allowed state lawmakers to withhold this information. A coalition of media organizations sued in Thurston County Superior Court that the records should be subject to the state’s Public Records Act and this recent decision was a big win for public disclosure advocates. In response, two bills were introduced to require disclosure. [HB 2255](#) (Rep. Graves) has not been scheduled for a hearing and [SB 6139](#) (Sen. Miloscia) is scheduled for a hearing in the Senate Committee on State Government, Tribal Relations & Elections on

January 31. This bill includes a requirement that the courts make their records public as well.

Last week, a hearing was held on a proposal to require growers to give the state Health Department up to a seven-day notice every time they **spray pesticides**. The premise of [SB 6529](#) (Sen. Saldana), according to its preamble, is that pesticide applications are a “consistent source of pesticide exposure and pose significant risks to community members.” Other provisions of the bill would require making public each month the type and amount of pesticide applied for each spraying. Farmers and pesticide applicators not filing the right information could be fined \$7,500. Farmers objected to having to reveal their management practices to competitors. They also said they were worried the information would be used against them in lawsuits. The bill is not expected to advance and the bill sponsor noted her desire to work with the agriculture community to refine the proposal for the next session.

For the first time, the recently adopted capital budget included funding for the **Fish Barrier Removal Board**. A list of all projects can be found [HERE](#) (Select 'Rec. and Conservation Funding Board' and search for 'Fish Passage Barrier Removal Board list of projects'. In addition to the capital budget, Rep. Wilcox introduced [HB 2902](#), a bill that would appropriate \$50 million for the fiscal year ending June 30, 2019 to the Department of Fish and Wildlife for fish passage barrier removal projects. Under the terms of the legislation, the Fish Passage Barrier Removal Board must provide funding for fish barrier removal projects, consistent with the funding formula described below. Priority must be given to transportation projects consistent with the Fish Passage Barrier Removal Program, with other state projects, local projects, and projects included in the Family Forest Fish Passage Program. For investments in Puget Sound watersheds, the Fish Passage Barrier Removal Board should coordinate with the Puget Sound Partnership to capture the priorities set forth in the Action Agenda. The bill was heard last week and is scheduled for executive action on February 1st.

The Washington State Conservation Commission convened a **food policy forum** in response to direction and funding in the 2016 Supplemental Operating Budget. This forum followed a previous food system roundtable established by Executive Order No. 10-02. The forum is composed of members appointed by the Director of the Commission, as well as four members from the Legislature.

The House approved [HB 1562](#) (Rep. Gregerson) in 2017 only to see it stall in the Senate with a Republican Coalition majority. It has been reintroduced and scheduled for a hearing on January 29 in the House Appropriations Committee.

The bill would continue the Washington Food Policy Forum as a public-private partnership to develop recommendations to advance the following food system goals:

- increase direct marketing sales and consumption of Washington-grown foods;

- expand and promote programs that bring healthy and nutritious Washington-grown foods to Washington residents;
- examine ways to encourage retention of an adequate number of farmers for small scale farms, meet the educational needs for the next generation of farmers, and provide for the continued economic viability of local food production, processing, and distribution in the state;
- reduce food insecurity and hunger in the state;
- and identify ways to improve coordination and communication among local food policy entities and communication between the local food policy entities and state agencies.

The Forum's recommendations must be submitted to the Legislature by October 29, 2018.

A few bills related to **fire protection** were heard or advanced from committee last week:

- [HB 2561](#) (Rep. Dent) identifies several fire response activities to be addressed by the wildland fire advisory committee including: examine the value of community programs that educate homeowners and engage in preventive projects within wildfire risk communities, such as Firewise, and make recommendations on whether these programs should be advanced, and if so, how, including potential sources of ongoing funding for the programs. The bill has been scheduled for a vote in the House Committee on Agriculture & Natural Resources on February 1st.
- [HB 2562](#) (Rep. Dent) allows the creation of rangeland fire protection districts that will provide detection, prevention, and suppression of wildfire services and resources. Proponents include the Cattleman's Association, Audubon, The Nature Conservancy, Conservation NW and private landowners. The bill has been scheduled for a vote in the House Committee on Agriculture & Natural Resources on February 1st.
- [HB 2733](#) (Rep. Orcutt) requires DNR to create a non-mandatory prescribed burn manager certification program (program) for those who practice prescribed burning in the state. The program must include training on all relevant aspects of prescribed fire in Washington. DNR may also develop an equivalency test for experienced prescribed burn managers. Certified prescribed burn managers are granted additional liability protection for permitted burns. DNR may adopt rules to create the program, set periodic renewal criteria, and adopt a decertification process for certified prescribed burn managers who violate any forest protection laws or rules. Any rules adopted should be developed in consultation with similar programs in other states. The bill has been scheduled for a vote in the House Committee on Agriculture & Natural Resources on February 1st.

Senate Democratic leaders continue to work with stakeholders on a possible compromise related to **carbon tax**. While it is still unlikely that the Legislature will adopt a carbon tax, many are hopeful that these discussions will lead The Nature Conservancy (and other advocates) to incorporate principles in their proposed ballot initiative, likely coming to voters in Fall 2018.

Last week, the House Environment Committee passed along party lines a revised version of [HB 2338](#) (Rep. Fitzgibbon), legislation to impose a **low carbon fuel standard (LCFS)** in the state of Washington. The policy is similar to LCFS programs in Oregon and California and requires fuel producers and importers to reduce the carbon intensity of their transportation fuels by 10% (below 2017 levels) by 2028. Republicans expressed significant concern about going-back on a pledge not to pursue an LCFS as part of the bipartisan grand bargain on last biennium's transportation package. As such, Republicans urged that the bill be sent to the Transportation Committee for thorough review. This policy is expected to increase gasoline and diesel fuel prices.

The Senate Environment, Energy & Technology Committee held a hearing on [SB 6269](#), a bill intended to strengthen **oil transportation safety**. The legislation applies the barrel tax to crude oil received by pipeline and raises the oil spill administration tax from \$0.04 to \$0.06 cents per barrel. The bill requires the Department of Ecology to review, assess, and provide a report on vessel traffic safety in northern Puget Sound, establish the Salish Sea Shared Waters forum and requires changes to contingency plans and spill drills. Chair Carlyle (D-Seattle) asked for effective tax rate information for the refineries and suggested that the refineries received a record windfall from the federal tax changes.

--

Brynn Brady

Ceiba Consulting | Martin Flynn Public Affairs, Inc. | 253.686.3387

**WACD Bill Tracking for Week 4**

Bill No.	Title	Committee	Date	Effect
<a href="#">HB 1562</a>	Continuing the work of the Washington food policy forum	House Appropriations	Hearing Scheduled- 1/29	Would provide continued funding for the Food Policy Forum
<a href="#">HB 2771</a>	Managing wolves through translocation	House Agriculture & Natural Resources	Hearing Scheduled- 1/31	Would prioritize translocation of wolves to areas with fewer wolves to address "conflicts" (i.e. predation of livestock).
<a href="#">HB 2561</a>	Concerning temporary duties for the wildland fire advisory committee	House Agriculture & Natural Resources	Vote Scheduled- 2/1	Directs Advisory Committee to analyze several aspects of wildfire response (including the value of Firewise) and make recommendations.
<a href="#">HB 2562</a>	Concerning rangeland fire protection associations	House Agriculture & Natural Resources	Vote Scheduled- 2/1	Allows the creation of rangeland fire protection districts that will provide detection, prevention, and suppression of wildfire services and resources.
<a href="#">HB 2733</a>	Establishing a prescribed burn certification program at the department of Natural Resources	House Agriculture & Natural Resources	Vote Scheduled- 2/1	Requires DNR to create a non-mandatory prescribed burn manager certification program for those who practice prescribed burning in the state.
<a href="#">HB 2902</a>	Ensuring that Washington aggressively acts to open fish habitat by removing barriers under all forms of ownership	House Agriculture & Natural Resources	Vote Scheduled- 2/1	Would appropriate \$50 million for the fiscal year ending June 30, 2019 to the Department of Fish and Wildlife for fish passage barrier removal projects
<a href="#">SB 6268</a>	Creating the orca protection act	Senate Agriculture, Water, Natural Resources, & Parks	Vote Scheduled- 2/1	Would create additional restrictions regarding vehicle distance from orcas and take other steps to protect the southern Puget Sound orca pod.
<a href="#">HB 2671</a>	Improving the behavioral health of people in the agriculture industry	House Health Care & Wellness	Vote Scheduled- 2/2	Requires the department of health to establish a pilot program for behavioral health and suicide prevention for members of the agricultural industry workforce.