

Legislative Update

January 27, 2012 - Day 19 of the 60-day legislative session

This is the first Legislative Update of the session. We will be sending these periodically to keep you informed of key issues related to restoring and protecting Puget Sound. Each edition will include an update of legislative activities, as well as a list of specific legislative meetings. Copies of bills can be found on the Legislature's website at www.leg.wa.gov.

The first week of the 2012 Legislative Session started off at a very brisk pace, with a large number of issues competing for legislators' attention in this short, 60-day session. In addition to the Governor's State of the State Report – which included a new transportation funding proposal described below and recognition of supporting the natural capital of Puget Sound – there was specific emphasis on job creation and government reform.

The second week of the legislative session was a memorable one – not for politics, but for weather. More than 12 inches of snow and an ice storm eventually knocked power out to the legislative campus. Legislators, lobbyists and staff worked as much as possible on Thursday, but by Friday afternoon everything shut down.

Overall, the session has been packed with hearings on major bills relating to SEPA, stormwater permits, MTCA, ocean zoning, the Governor's transportation revenue package proposal, brownfield cleanups, and waterfront redevelopment projects to name a few (*see the summary on page 5*). There is also continuing discussion – but no bill language yet – on a “jobs bond” package that may be of significant interest to many of our partners.

Most committees have already booked all of their hearing times through the first bill cutoff deadline, Feb. 3. There will be lot of pressure during the remainder of this week to find enough time to hear and work on complex measures as the first bill cutoff quickly approaches. If a bill has not been introduced and received a hearing by the end of this week, its chances of getting enacted are slim to none. The abundance of bills introduced during such a short legislative session only adds to the stress and pressure.

2012 Legislature at A Glance

Next Cutoff Date:

- February 3: Last day to move bills out of committee of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.

Information:

- For up-to-date legislative information, visit: www.leg.wa.gov.
- To watch or listen to a legislative hearing, visit: www.tvw.org.
- For both current and previous copies of the Legislative Report, visit: www.psp.wa.gov

Communication & Coordination

If you are planning to testify on a bill or are meeting with or would like help connecting with a legislator about Puget Sound issues, please contact Michael Grayum, PSP's Director of Public Affairs at 360-628-1907.

LEGISLATION PERTINENT TO PUGET SOUND

Delaying New Municipal Storm Water Permits: Local governments are seeking fiscal relief by pursuing the delay of new stormwater requirements designed to mimic nature's filtration systems and reduce polluted runoff. HB2338 and SB6207 both had public hearings and currently neither is scheduled for executive action.

Boatyard Permit Streamlining: Under **HB 2469**, boatyards that are installing storm water treatment systems would be able to use an expedited permitting process for shoreline substantial development permits. This bill was heard Jan. 20.

Industrial Stormwater Permit: Legislation introduced by Ecology, **HB 2651** and **SB 6393**, aims to change the limit for bacterial contamination for industrial storm water permittees from a numeric limit to a narrative limit. A public hearing is scheduled for Jan. 31.

Hydraulic Project Approvals: The ongoing hydraulic permitting saga continued Jan. 25, when the Senate Marine Waters Committee heard **SB 6406**, the latest effort to create policy reforms in exchange for a first-ever fee on hydraulic permits. The key point of contention is over the jurisdictional threshold that triggers a hydraulic permit. Everyone agrees that projects in the water should require a permit, but what about projects above the tidal line, or beyond the beach? These questions are fundamental to the current debate.

MTCA: Legislation to provide Ecology with better tools to accelerate environmental cleanup projects was heard Jan. 25 before the Senate Environment Committee. **SB 6211**, sponsored by Sen. Kevin Ranker (D-Orcas Island), would provide Ecology with the authority to create grant funded trusts, brownfield development authorities, and to study the possibility of designating licensed site professionals in order to relieve some of Ecology's administrative burden while bolstering oversight.

Governance reform and additional accountability for the Puget Sound Partnership: Legislation sponsored by Rep. Dave Upthegrove (D-Des Moines), **HB 2277**, aims to further focus our agency on the core work of setting regional priorities, spurring implementation and action, and providing accountability for effective outcomes. The legislation removes the responsibility of PSP to designate entities as Puget Sound partners and updates other provisions related to the Partnership's duties, and adds the requirement that the Joint Legislative Audit and Review Committee (Committee) report to the Legislature by Jan. 1, 2013, on the Puget Sound Partnership's progress.

Recent and Upcoming Legislative Hearings

January 26

8:00 am; H-Environment; **Public Hearing:** HB 2651 - Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit; **Executive Session:** HB 2277- Updating the statutes controlling the Puget Sound partnership to reflect the transition from developing the action agenda to implementing the action agenda; HB 2253 - Modernizing the functionality of the state environmental policy act; HB 2335 - Concerning standards for the use of science to support public policy; HB 2245 Regarding the preservation and conservation of agricultural resource lands.

10:00 am; S-Agriculture, Water & Rural Economic Development; **Executive Session:** *SBH 6116 (HB 2332) Regarding on-site sewage program management plans.*

1:30 pm; S-Economic Development, Trade & Innovation; Executive Session

SSB 5320 - Prioritizing infrastructure projects; SB 6142 -changing agency regulatory practices; SB 6345 (HB 2598) - Creating a commission to restructure state government.

1:30 pm; S-Energy, Natural Resources & Marine Waters; **Public Hearing:** SB 5453 - Enhancing the production of Pacific salmon; SB 6169 - Establishing the ocean policy advisory council. SB 6135 (HB 2364) - Regarding enforcement of fish and wildlife violations (Orca)

SEPA: HB 2253 creates a new board as a rulemaking body to oversee the provisions of the RCW, which deals with categorical exemptions in the SEPA checklist. The board's rulemaking authority would be limited to categories of government action that are not considered as potential major actions significantly affecting the quality of the environment, including applications for water rights, and the environmental checklist process outline in the Washington Administrative Code. The bill also allows the growth management planning and environmental review fund to become a revolving loan fund rather than a grant-only program.

Marine Spatial Planning: Revisiting the issue of "zoning in the sea," **SB 6263** and **HB 2618** propose to use aquatics funds to support marine spatial planning along the Washington Coast. WPPA spoke favorably of the concept last week when the bill was heard in the Senate Marine Waters Committee and will likely be supportive of the House bill when it is heard January 24 before the House Agriculture and Natural Resources Committee.

Community Service Habitat Projects: HB 2305 is "a good little bill" that allows ports to contract with community service organizations to provide maintenance services at environmental stewardship sites. WPPA staff testified in favor of the bill when it was heard January 18 before the House Local Government Committee.

Waterfront Redevelopment: SB 6170 aims to streamline environmental permitting by eliminating HPA and shoreline substantial development requirements for certain waterfront redevelopment projects. Sen. Ranker is the sponsor of this legislation and it was heard last week by the Senate Marine Waters Committee.

Shellfish Initiative: Legislation sponsored by Senator Nelson focuses on improving water quality to support shellfish resources. According to **SB 6279**, Ecology must cooperate with other entities conducting research on and evaluating the potential for mitigating water pollution in impaired water bodies through natural methods. Ecology may implement pollutant credit and trading mechanisms as an element of a water quality clean-up plan. Ecology must submit a report to the Legislature by Dec. 31, 2012, on progress.

Collection and Disposal of unwanted medicines: Sponsored by Senator Kline and Representative Van De Wege, SSB 5234 and HB 1370 would create a statewide program for the collection, transportation, and disposal of unwanted medicines. Drug manufacturers would provide a secure drug take-back program to protect public safety and water quality without use of public funds and removes the burden from Sheriffs, police and local governments.

January 27

8:00 am; H-Local Government: **Public Hearing:** HB 2671, Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW;

HB 2487 (6188)- Clarifying procedures for appealing the adoption of a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW (continuation from 1/20/12 meeting). **Executive Session:** HB 2162 - Addressing appeal and permit procedures under the shoreline management act.

January 31

10:00 am, S-Environment, **Public Hearing:** SB 6393 - Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit.

February 1

1:30 pm, S-Environment, **Public Hearing:** SB 6369 - Protecting environmental quality and human health (SEPA)

Infrastructure Funding: No legislation has yet been introduced, but work continues behind the scenes on a jobs proposal that would leverage current state funds available in accounts to create a program to provide grants or loans for building job-creating infrastructure.

Taxing District Study. HB 2602 creates a legislative task force studying junior taxing districts to evaluate the services provided, and make recommendations regarding the appropriateness of consolidating them into a city or county. The bill defines a junior taxing district as all taxing districts other than the state, counties, road districts, cities, towns and school districts. The bill will be heard Wednesday in the House Local Government Committee.

Funding Options for Conservation Districts: Conservation Districts have proposed legislation, **SB 6303 and HB 2567**, to authorize another approach for rates and charges to fund their work to conduct research, provide public education and work in an intergovernmental capacity to conserve renewable natural resources. Both bills received public hearings Jan. 24 and the House version is scheduled for a vote on Jan. 31.

Transportation Task Force Recommendations: The Governor's "Connecting Washington" Transportation Task Force concluded its six months of work at the end of 2011. While the group did not recommend specific projects, they did recommend priority investment in strategic economic corridors, and \$21 billion in investment over the next 10 years. The Governor proposed a \$3.8 Billion package, focused on maintenance of the existing system. The proposal, in the form of **HB 2660 and SB 6455**, is to spend most of the resulting \$3.8 billion on operations and maintenance of the state's highway system, transit, and the state patrol. The details include:

- A fee of \$1.50 per barrel of oil, spent on O&M of the current state system, and storm water retrofits (Raises \$2.7 billion over 10 years).
- A 15 percent increase in commercial vehicle license fees, invested in pavement preservation. (Raises \$177 million over ten years).
- An additional \$15 passenger vehicle weight fee, invested in the State Patrol, public transit, passenger rail service (not capacity) and local government grants (raises \$760 million over 10 years).
- A \$100 annual fee on electric vehicles, spent on O&M and studies (raises \$11.5 million over 10 years).
- Authority for local governments to impose a 1 percent increase in the Motor Vehicle Excise Tax, or a \$40 vehicle license fee, for local and transit needs.

Session Cut-Off Dates

(Subject to change)

The cut-off dates are designed to keep legislation moving. Any bill that fails to move past a cut-off deadline is usually considered "dead."

Both chambers have not yet approved the cut-off calendar for the 2012 regular session.

- **February 3** - Last day to move bills out of committee of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.
- **February 7** - Last day to move bills out of House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.
- **February 14** - Last day to consider bills in house of origin (5 p.m.).
- **February 24** - Last day to move bills out of committee in opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.
- **February 27** - Last day to move bills out of House fiscal committees and Senate Ways & Means and Transportation committees in opposite house.
- **March 2** - Last day to consider opposite house bills (5 p.m.).
- **March 8** - Last day allowed for regular session under state constitution.

TOPICAL BILL SUMMARY

For up-to-date information about a bill, please visit: <http://apps.leg.wa.gov/billinfo/>

STORMWATER

- Boatyard permit streamlining HB 2469
- Industrial Stormwater permit, and [SB 6393](#)
- Municipal Stormwater permit, SB 6207 and 2338
- Managing on-site sewage program management plans, SB 6116 and HB 2332

SHORELINES and HABITAT

- Legislation introduced by Ecology to clarify procedures for appealing the adoption of a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, HB 2671, HB 2487 and 6188.
- Addressing appeal and permit procedures under the shoreline management act, HB 2162
- Eliminating HPA and shoreline substantial development requirements for certain waterfront re-development projects, SB 6170
- Hydraulic Project Approvals, SB 6406
- Community Service Habitat Projects. HB 2305
- Maintaining and enhancing the viability of agriculture, SB 6026

ENVIRONMENT

- MTCA 3.0, SB 6211
- Marine Spatial Planning, SB 6263 and HB 2618
- SEPA, HB 2253 and 6369

GOVERNANCE

- PSP governance reform and accountability, HB 2277

SHELLFISH

- Shellfish Initiative, SB 6279

TRANSPORTATION INFRASTRUCTURE

- HB 2660 and SB 6455

BUDGET AND FINANCE

- Taxing District Study. HB 2602

INFRASTRUCTURE FUNDING,

- Bill(s) to be introduced, *Puget Sound Project list developed with local watershed groups was submitted*

