

City of Sequim

Final 2021 Legislative Session Bill Report

April 26, 2021

by Davor Gjurasic

The 2021 Legislative Session ended just after 6:00PM on April 25, 2021, the 105th and final day of the regular session. This was a historic session in that it was conducted remotely due to the COVID-19 restrictions. Only a minimal number of staff and legislators were allowed at the capitol to conduct the day-to-day duties needed for implementation of the legislature. The general public and lobbyists were not allowed to attend.

In the end the legislature passed the Operating, Capital and Transportation budgets but were unable to pass a new revenue transportation package. They did however pass a capital gains tax, several climate change reduction policies, including a low carbon fuel standard, and a cap and invest legislation as well as several police reform bills.

US Highway 101 East Sequim Corridor Improvement Project

Transportation Budget

The 2021-2023 Transportation Budget has carried over the funding that was approved in the 2019-2021 budget for predesign work but had not been done by the WSDOT due to COVID-19.

\$200,000.00 2019-2021

\$1,090,000.00 2021-2023

New Revenue Transportation Packages

In both Forward Washington and Miles Ahead Washington, \$26,000,000.00 was provide for construction of our project but unfortunately neither package passed this session.

Bills That Passed

Broadband

ESHB1336 Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.

Authorizes public utility districts, port districts, second-class cities, towns, and counties to provide retail telecommunications services.

Allows a county, city, or town planning under the Growth Management Act (GMA) to receive financial assistance for a public works project that increases access to broadband even if it has not adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by the GMA.

2SSB5383 Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

Authorizes a public utility district or port district to provide retail telecommunication services in an unserved area

State Vs. Blake Decision

ESB5476 Responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services.

Reduces the criminal penalty for possession of a controlled or counterfeit substance from a felony to a gross misdemeanor.

Requires the prosecutor to divert a person's first and second violations for possession of a controlled substance, counterfeit substance, or legend drug and encourages diversion thereafter when agreed by the prosecutor.

Requires the Health Care Authority to establish the substance use recovery services advisory committee to make recommendations for implementation of a substance use recovery services plan, including recommended reforms to the law.

Authorizes presiding judges of superior courts to appoint court commissioners with the authority to conduct resentencing hearings and vacate convictions pursuant to State v. Blake.

Law Enforcement

ESHB1054 Establishing requirements for tactics and equipment used by peace officers.

Prohibits a peace officer from using chokeholds and neck restraints in the course of their duties.

Requires the Criminal Justice Training Commission to convene a work group and develop a model policy for training and use of canine teams.

Establishes guidelines for when a law enforcement agency may authorize the use of tear gas.

Prohibits law enforcement agencies from acquiring certain specified military equipment.

Outlines limited parameters for when a peace officer may engage in a vehicular pursuit or fire upon a moving vehicle.

Requires uniformed peace officers to clearly display the officer's name or other identifiable information.

E2SHB1310 Concerning permissible uses of force by law enforcement and correctional officers.

Establishes a civil standard for peace officer use of force.

Requires the attorney general to develop model policies on law enforcement's use of force and de-escalation tactics and requires individual law enforcement agencies to adopt policies consistent with the model policies.

E2SSB5051 Concerning state oversight and accountability of peace officers and corrections officers.

Modifies the priorities and composition of the Criminal Justice Training Commission (CJTC).

Expands the background investigation requirements for persons applying for peace officer, reserve officer, and corrections officer positions.

Expands the conduct for which the certification of a peace officer or a corrections officer may be revoked.

Requires employing agencies to report all separation and disciplinary matters regarding a certified officer to the CJTC.

Removes confidentiality of complaints, investigations, and disciplinary actions for certified officers and requires information be maintained on a publicly searchable database.

Low Carbon Fuel Standard

E3SHB1091 Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.

Directs the Department of Ecology (Ecology) to adopt rules establishing a Clean Fuels Program (CFP) to limit the aggregate, overall greenhouse gas (GHG) emissions per unit of transportation fuel energy to 20 percent below 2017 levels by 2035.

Excludes exported fuel, fuel used by vessels, railroad locomotives, and aircraft, and certain other categories of transportation fuel from the CFP's GHG emission intensity reduction requirements.

Requires the CFP to include processes for registering, reporting, and tracking compliance obligations and to establish bankable, tradeable credits used to satisfy compliance obligations.

Retains the current distribution of revenue under the 2015 Transportation Revenue Package, eliminating changes that would have been triggered as a result of the establishment of a CFP.

Requires the passage of a separate additive transportation funding act generating more than \$500 million per biennium in revenue before Ecology may assign compliance obligations or allow for actual credit generation in order to coordinate and synchronize the CFP with other transportation related.

Cap and Invest

E2SSB5126 Concerning the Washington climate commitment act.

Establishes a cap and invest program for greenhouse gas emissions to be implemented by the Department of Ecology.

Directs distribution of auction revenues for the Forward Flexible Account and for specified purposes including clean transportation, natural climate resiliency, clean energy transition and assistance, and energy efficiency projects.

Requires an environmental justice review to ensure that the cap and invest program achieves reduction sin criteria pollutants in overburdened communities highly impacted by air pollution.

Convenes an Environmental Justice and Equity Advisory Panel to provide recommendations on the development and implementation of the cap and invest program.

Bills That Failed

Public Meetings

ESHB1056 Concerning open public meeting notice requirements and declared emergencies.

Allows a public agency to hold meetings of its governing body remotely or with limited in-person attendance after a declared emergency.

Requires that the public be allowed to listen in real time and at no cost to meetings that are held remotely or with limited in-person attendance.

Requires all public agencies, except for certain special purpose districts, cities, and towns, to post agendas online for regular meetings and for special meetings held remotely or with limited in-person attendance.

HB1180 Concerning public testimony at public meetings, including virtual meetings.

Authorizes meetings of a governing body to be held virtually, with realtime public attendance over the phone, through the Internet, or through a personal electronic device.

Limits the suspension of notice requirements during an emergency that requires expedited action by the governing body to no longer than 14 days.

Requires governing bodies to provide time for public comment during meetings and requires public comment to be allowed in-person, over the phone, or through the submission of written comment in advance of the meeting during when a meeting is held virtually.

ESHB1329 Concerning public meeting accessibility and participation

Encourages public agencies to provide remote access to governing body meetings of, and to record and post recordings of meetings online for at least six months.

Requires governing bodies to provide an opportunity for public comment at or before every regular meeting at which final action is taken, except in emergency situations.

Requires governing bodies, if feasible, to provide an opportunity for remote oral comment for an individual at a meeting upon request if the individual will find physical attendance at a meeting difficult.

Law Enforcement

SHB1202 Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief.

Provides a cause of action for a person injured in person or property by a peace officer acting under color of authority if the officer engaged in specifically listed conduct and requires an award of actual damages and costs and attorneys' fees to a prevailing plaintiff.

Authorizes the Attorney General to investigate employers and peace officers engaging in a pattern or practice of conduct in violation of the act and to bring a civil action against a peace officer or employer to restrain and prevent the peace officer or employer from engaging in the pattern or practice of conduct.

HB1203 Concerning community oversight boards.

Requires any local jurisdiction with a law enforcement agency that has at least 15 officers to establish a community oversight board by January 1, 2025.

Outlines powers and duties of community oversight boards and provides guidelines for establishing board operations and membership.

Requires any local jurisdiction with an existing oversight body to bring the existing body into alignment with the requirements for community oversight boards by January 1, 2023.

Requires the Washington Association of Sheriffs and Police Chiefs to report to the Legislature regarding local jurisdictions' compliance with oversight board requirements.

Transportation Benefit Districts

HB1523 Concerning renewal of the sales and use tax for transportation benefit districts.

Allows a sales tax imposed by a transportation benefit district to be renewed every 10 years, with an affirmative vote of the people.

Affordable Housing

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>SSB 5012</u> (Inactive)	Affordable housing funding Providing a local government option for the funding of essential affordable housing programs.	S Ways & Means	Lovelett	

Blake Decision

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>HB 1578</u> (Inactive)	State v. Blake decision Responding to the State v. Blake decision.	H Approps	Goodman	
<u>SB 5468</u> (Inactive)	Controlled subst. possession Concerning knowing possession of a controlled substance.	S Law & Justice	Mullet	
<u>SB 5475</u> (Inactive)	Controlled subst. possession Concerning knowing possession of a controlled substance.	S Law & Justice	Mullet	
<u>ESB 5476</u>	State v. Blake decision Addressing the State v. Blake decision.	Del to Gov	Dhingra	

Broadband

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>2SHB 1263</u> (Inactive)	Rural infrastructure Concerning rural infrastructure.	H Rules C	Abbarno	
<u>ESHB 1336</u>	Public telecomm. service Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.	Del to Gov	Hansen	

<u>ESHB 1457</u>	Broadband/state highways Facilitating the installation of broadband facilities on limited access highways.	Del to Gov	Wylie
<u>SB 5110</u> (Inactive)	Telecommunications companies Promoting greater access to the internet by modifying permitting, taxation, and other standards for telecommunications companies and facilities.	S Environment, E	Ericksen
<u>SB 5175</u> (Inactive)	Economic revitalization bd Concerning the authority of the community economic revitalization board.	S Rules X	Nguyen
<u>2SSB 5383</u>	Public telecomm. services Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions.	Del to Gov	Wellman
<u>ESSB 5439</u> (Inactive)	Broadband/state highways Facilitating the coordinated installation of broadband along state highways.	H Rules R	Saldaña

Budgets

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>SHB 1080</u> (ESSB 5083)	Capital budget 2021-2023 Concerning the capital budget.	Del to Gov		Tharinger
<u>HB 1564</u> (Inactive)	Transportation spending Concerning transportation spending.	H Transportation		Fey
<u>ESSB 5092</u> (SHB 1094)	Operating budget Making 2021-2023 fiscal biennium operating appropriations.	Del to Gov		Rolfes
<u>SSB 5165</u> (SHB 1135)	Transp. budget 2021-2023 Making transportation appropriations for the 2021-2023 fiscal biennium.	Del to Gov		Hobbs
<u>SB 5481</u> (Inactive)	Transportation funding bonds Authorizing bonds for transportation funding.	S Rules 2		Hobbs
<u>SSB 5482</u> (Inactive)	Additive trans funding Concerning additive transportation funding and appropriations.	S Rules 2		Hobbs

<u>SSB 5483</u> (Inactive)	Transportation revenue Concerning transportation funding.	S Rules 2	Hobbs
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Carbon

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
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<u>E3SHB 1091</u> (SB 5231)	Transportation fuel/carbon Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.	Del to Gov	Fitzgibbon	
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<u>E2SSB 5126</u>	Climate commitment act Concerning the Washington climate commitment act.	Del to Gov	Carlyle	
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COVID Relief

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
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<u>ESHB 1368</u> (SB 5344)	Federal funding/COVID-19 Responding to the COVID-19 pandemic through state actions supported by federal funding.	C 3 L 21	Ormsby	
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Fiscal Flexibility

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
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<u>E2SHB 1069</u>	Local gov fiscal flexibility Concerning local government fiscal flexibility.	Del to Gov	Pollet	
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Housing Benefit Districts

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
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<u>SHB 1128</u> (Inactive)	Housing benefit districts Concerning housing benefit districts.	H Finance	Ryu	
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Law Enforcement

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
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Peace officer tactics, equip	Del to Gov	Johnson		
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[ESHB
1054](#)

Establishing requirements for tactics and equipment used by peace officers.

[2SHB
1202](#)

(Inactive)

Police misconduct/civil rem.

H Rules C

Thai

Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief.

[SHB 1203](#)
(Inactive)

Community oversight boards

H Rules R

Johnson

Concerning community oversight boards.

[E2SHB
1310](#)

Uses of force by officers

Del to Gov

Johnson

Concerning permissible uses of force by law enforcement and correctional officers.

[E2SSB
5051](#) (HB
1082)

Peace & corrections officers

Del to Gov

Pedersen

Concerning state oversight and accountability of peace officers and corrections officers.

Open Meetings Act

Bill Details

Status

Sponsor

Priority

Position

[ESHB
1056](#)

(Inactive)

Public meetings/emergencies

S Rules 2

Pollet

Concerning open public meeting notice requirements and declared emergencies.

[HB 1180](#)
(Inactive)

Public testimony

H Local Govt

Kraft

Concerning public testimony at public meetings, including virtual meetings.

[ESHB
1329](#)

(Inactive)

Public meetings

S 2nd Reading

Wicks

Concerning public meeting accessibility and participation.

Parks Funding

Bill Details

Status

Sponsor

Priority

Position

[HB 1025](#)
(Inactive)
(SB 5006)

Local parks funding options

H Finance

Wicks

Concerning local parks funding options.

[SB 5006](#)
(Inactive)
(HB 1025)

Local parks funding options

S Ways & Means

Van De Wege

Concerning local parks funding options.

Public Health Districts

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>E2SHB 1152</u> (SB 5173)	Comp health districts Establishing comprehensive health services districts.	Del to Gov	Riccelli	
<u>HB 1201</u> (Inactive) (SSB 5149)	Found. public health funding Funding foundational public health services.	H Finance	Riccelli	
<u>SSB 5149</u> (Inactive) (HB 1201)	Found. public health funding Funding foundational public health services.	S Ways & Means	Robinson	

Rent Relief

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>HB 1035</u> (Inactive)	Rent relief & housing Providing local governments with options to grant rent relief and preserve affordable housing in their communities.	H Finance	Kloba	

Transportation Benefit Districts

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>HB 1523</u> (Inactive)	Transp. benefit district tax Concerning renewal of the sales and use tax for transportation benefit districts.	H Rules C	Wylie	

Uncategorized Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>SHB 1333</u> (Inactive)	Rural public facilities/tax Providing an extension to the local sales and use tax for public facilities in rural counties.	S 2nd Reading	Tharinger	
<u>2SSB 5029</u> (Inactive)	Investment project tax defs. Concerning tax deferrals for investment projects in high unemployment counties.	S Rules 2	Honeyford	

