

Hedrick Weekly

February 13-17, 2023

The legislative session is now more than one third complete and this week marked the first culling of bills, the house of origin policy committee cutoff. Bills that have failed to pass this cutoff are considered dead for the session. Of course, no concept is really dead until the end of the biennium as parts can be resurrected in various ways or reintroduced next year. Cutoff dates do play a significant role in the annual legislative process to limit the number of bills that move through the process. This year, members of the House introduced 846 bills and members of the Senate introduced 767. Next week, the bills that passed the policy committees and will impact the state financially must also pass through a fiscal committee (e.g. Appropriations, Capital Budget, Finance, Transportation, and Ways & Means) by Friday, February 24. Bills that are designated “necessary to implement the budget” or NTIB, are exempt from the cutoff calendar. Bills that have passed out of the policy committee but have no fiscal impact will proceed from the policy committee directly to the Rules committee, a “holding pen” for bills, where they remain until majority party leadership allow them to be placed on the floor calendar for debate and vote.

On Monday afternoon, the Senate Transportation committee heard SB 5466 (Lias, D-21), a governor request bill, that addresses transit-oriented development in a significant manner. This sizable policy received nearly universal support from builders, environmentalists, and organized labor. SB 5466 requires the Department of Transportation (WSDOT) to establish a competitive grant program to help finance qualifying housing projects within rapid transit corridors, requires cities planning under the Growth Management Act (GMA) not to enact or enforce any new development regulation within a transit station area that prohibits the siting of multifamily residential housing, prohibits counties and cities planning under the GMA from requiring off-street parking as a condition of permitting development within a transit station area, and expands the categorical exemption for infill development to facilitate the timely and certain deployment of sustainable transit-oriented development.

On Tuesday, the House Finance committee heard a suite of tax bills including HB 1473 (Thai, D-41), dubbed the “*Wealth Tax*,” which would create a property tax on the ownership of stocks, bonds, and other financial assets over \$250 million. The revenue generated is dedicated to four funds - the Education Legacy Trust Fund, which is a dedicated funding source for early learning, K-12, and higher education; the Housing Trust Fund, which pays for the construction of affordable housing, and two new funds created in the bill: a Disabilities Care Trust account that will pay for services for Washingtonians with disabilities, and a Taxpayer Justice account, that will offer credits

against taxes paid by low and middle-income families. HB1473 attracted a lot of attention with over 2,500 people signed in to take a position on the bill. Amongst those who did testify included perennial anti-tax activist Tim Eyman as well as supporters of the policy including those from the Washington Education Association (WEA), the Statewide Poverty Action Network, and the Washington Low-Income Housing Alliance.

One of the most contentious issues this session relates to law enforcement vehicle pursuits. Under the current law which was passed two years ago, a police officer may only initiate a pursuit if the officer has reasonable suspicion of a DUI, or probable cause for a violent crime or sex crime. Members of the law enforcement community say that under this new law, pursuits have declined and drivers routinely refuse orders to stop. Supporters of the new law say it has been successful in reducing the number of innocent people killed in pursuits. SB 5533 proposed by 31-year State Patrol veteran Senator John Lovick, D-44) would create a model vehicle pursuit policy work group within the Criminal Justice Training Commission and create a law enforcement technology grant program related to modern vehicle pursuit management technology. The bill was heard in Senate Ways & Means this week and was welcomed by the Association of Washington Cities, the Washington Coalition for Police Accountability but opposed by the Washington Association of Sheriffs and Police Chiefs which prefers a policy change this session.

On Thursday, House Bill (HB) 1363 concerning police pursuits was amended and passed out from the House Community on Safety, Justice & Reentry. There was only one no vote, a Democrat. The bill will now go to the House Appropriations Committee and is expected to be scheduled for a public hearing next week.

The original HB 1363 (i.e. as introduced) would lower the evidentiary threshold required for engaging in a vehicular pursuit to reasonable suspicion that a person in the vehicle has committed or is committing any criminal offense. The substitute version of HB 1363 that was approved by the committee maintains the reasonable suspicion evidentiary standard and would allow a vehicular police pursuit for most any crime but for property crimes. Substitute House Bill (SHB) 1363 allows officers to engage in a vehicular pursuit if the suspect in the vehicle has committed or is committing a violent offense, a sex offense, a Vehicular Assault offense, an Assault in the first, second, third, or fourth degree offense involving domestic violence; an escape; or a Driving Under the Influence (DUI) offense. The new bill also provides that an officer may not engage in a vehicular pursuit unless the person being pursued poses a serious risk of harm to others.

Legislators of both parties are focused on pathways to creating jobs this session. Over the past century, Washington's aerospace and aviation supply chain has grown to be the largest in the United States with more than 80,000 aerospace workers and 84

companies with a Gross Domestic Product (GDP) of \$45.6 billion. Experts say worldwide competition endangers Washington's aerospace economy. On Wednesday, the Senate Higher Education and Workforce Development Committee heard SB 5721 (Boehnke, R-8), a bill that establishes a business and occupation tax credit for aerospace manufacturing training and education expenses to incentivize private sector investment. The bill received enthusiastic support from the International Association of Machinists 751 as well as the Aerospace Futures Alliance (AFA), the Association of Washington Business (AWB), and other aerospace businesses across the state.

The contentious hospital staffing bill, SB 5236 (Robinson, D-38) may very well have set a record for public engagement in the process on Thursday afternoon, with 6,750 people signed in to take a position but not wishing to testify. SB 5236 would require the state to enforce hospital staffing plans, and minimum staffing standards including rigid ratios of nurses to patients in certain settings. Long a political football between nurses labor unions and hospital systems, proponents see the bill as part of the discussion around staffing health care and providing support for health care workers. Hospitals argue they are having to close various units and stopped performing certain procedures which the bill would only make worse. SB 5236 is expected to be approved by the Senate Health Care Committee and be heard next week in the Senate Ways & Means Committee.

Next week will be a full week of long fiscal committee hearings where the legislature will now turn to the fiscal impact of bills passed by the policy committees.