



Week 1 Report

January 13, 2023

The Legislative Report is a weekly report that is distributed each Friday throughout the legislative session. Each edition includes an update of legislative activities as well as a list of specific legislative meetings of interest to ports. Copies of bills can be found on this page of the Legislature's web site: [Bill Information](#).

At a Glance

Length: 105 days; Regular session began on January 9, 2023

For up-to-date legislative information, visit: leg.wa.gov

To listen to a legislative hearing, visit: tvw.org

For current and previous copies of our report, visit our website at: washingtonports.org

Session Cut Off Dates

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."

January 9, 2023: First day of session

February 17, 2023: Last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.

February 24, 2023: Last day to read in committee reports from House fiscal committees and Senate Ways

INTRODUCTION

The Washington Legislature convened its 105-day session on Monday, January 9 in what we expect to be a busy year! Lawmakers are wasting no time, quickly filling up committee calendars with public hearings and work sessions. Notably, this year marks a return to a mostly in-person format since the onset of COVID in 2020. The frenetic pace of the first week reflects the workload before the legislature: as of Friday, January 13, the House has introduced 322 bills, and the Senate 378 bills – totaling 700 bills in the first week.

Monday began with House and Senate opening ceremonies, and each member elected in 2022 was officially sworn-in. On Tuesday, Governor Inslee gave his annual State of the State in the House Chambers, using his remarks to highlight top priorities for 2023 and to reflect on policies he has advanced in recent years, including housing, climate, salmon recovery, and behavioral health. [Click here to watch](#) or [click here to read his remarks](#).

Prior to the pandemic, the week beginning with Martin Luther King Day brought busloads of schoolkids to the Capitol Campus for a first look at the Legislature. With legislators back on campus, the school groups are expected to return

& Means and Transportation committees in house of origin.

March 8, 2023: Last day to consider bills in house of origin (5 p.m.).

March 29, 2023: Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

April 4, 2023: Last day to read in opposite house committee reports from House fiscal committees and Senate Ways & Means and Transportation committees.

April 12, 2023:* Last day to consider (pass) opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).

April 26, 2023: Last day allowed for regular session under state constitution.

** After 5:00pm on the 54th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect state revenue, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.*

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this Monday and the energy of youthful civic engagement extends to legislators themselves, as the pace of bill hearings quickens and more bills with potential port impacts are heard.

Early action from WPPA included testimony on legislation related to marinas and styrofoam floats, public contracting changes, and the Governor's Budget. Meanwhile, next week's agenda includes hearings on energy facility siting and freight planning, among other issues.

See below for more detail on legislative issues where WPPA is closely tracking and engaged.

AVIATION

WPPA signed in supporting one of the first bills to be heard this session, HB 1040. The bill would make permanent the Aviation & Aerospace Advisory Committee. The committee was created by proviso two years ago and has been hard at work developing recommendations for further state action. HB 1040 is scheduled for executive session in committee next week. Also, of note this week, SB 5281 sponsored by Sen Saldana was introduced. The bill would increase the aviation fuel excise tax \$.05/gallon and dedicate the revenue towards mitigation for commercial aviation activities occurring at airports. SB 5281 has not yet been scheduled for a hearing and WPPA has not yet taken a position on this legislation.

ECONOMIC DEVELOPMENT

Companion bills designed to increase resources for site readiness are both up for a hearing next Tuesday. HB 1231 will be heard in the House Innovation, Community & Economic Development & Veterans at 10:30 and SB 5229 will be heard in the Senate Committee on Business, Financial Services, Gaming & Trade Committee at 8:00. If you are interested in participating in hearings for these bills, please contact Chris Herman.

ENVIRONMENT AND NATURAL RESOURCES

Plastic Pollution

The House Energy and Environment Committee heard HB 1085 regarding plastic pollution. WPPA testified regarding concerns related to the prohibition of plastic foam in over water structures (dock floats). We are working with the prime sponsor and committee to address our concern that the provisions regarding overwater structures are overly broad, potentially costly, and do not provide additional environmental benefit.

Derelict Aquatic Structures

Just prior to session, a few ports got word from the Washington State Department of Natural Resources (DNR) that they were interested in running a bill to create a new program for removal of derelict aquatic structures. They sought port feedback knowing that ports do significant in-water removal work, and the agency was clear that they intended to partner with us on a bill. The initial draft caused concern that ports with mitigation banks could lose credit for mitigation done by DNR. Staff at DNR are open to port feedback and hosted a meeting with representatives from the Ports of Vancouver, Tacoma, and Seattle this week to discuss amendments to resolve our concerns with the bill. The Legislation will likely be introduced in the coming week but WPPA will continue to work with member ports and DNR on changes that can bring us to a supportive position.

Energy facility siting

Legislation aimed at streamlining energy facility siting has been introduced by Rep. Fitzgibbon (D-West Seattle) at the request of Governor Inslee. HB 1216, would define certain types of clean energy projects that could see expedited environmental review, makes modest changes to the State Environmental Policy Act (SEPA), and contemplates a programmatic environmental review that could cover general areas of clean energy development and deployment. Notably, several port representatives participated in an interim task force on this topic, however the legislation appears to diverge from the final recommendations. WPPA staff met with representatives from the Governor's office and the Department of Commerce this week and will continue to engage on the bill while seeking feedback from ports with an interest in clean energy facility siting. HB 1216 is scheduled for a public hearing on January 19

Derelict Vessels

Next week, SB 5192 relating to derelict vessels is up for a hearing in the Senate Agriculture, Water and Natural Resources Committee, while the companion bill (HB 1081) is up for hearing in the House Ag and Natural Resources Committee. This bill would add additional administrative law judges to serve in place of Pollution Control Hearings Board (PCHB) members to increase the ability of the Board to handle derelict vessel removal.

Marine Shoreline Habitat

SB 5104, relating to Puget Sound Marine Shoreline Habitat is up for a hearing on January 19 in the Senate Agriculture, Water, and Natural Resources Committee. The measure directs the Department of Fish and Wildlife to survey habitat along Puget Sound to create and maintain a baseline of habitat.

Climate Response Strategy

On January 20, the Senate Environment, Energy, and Technology Committee will hear SB 5093, an act relating to improving climate resilience through updates to the state's integrated climate response strategy. This is a continuation of work on directing state actions related to climate change.

GOVERNANCE

Enhanced Voting Rights Act of Washington state

In 2018, the state passed the Washington Voting Rights Act which aims to ensure fairness in state and local voting. This year, legislation called the Enhanced Voting Rights Act (HB 1048) seeks to make changes to that law. As currently drafted, the bill would allow coalitions of voters to bring challenges to elections systems, potentially even outside of the political jurisdiction in which they reside, and recover costs incurred in those challenges. On January 13, WPPA staff testified, sharing that while all ports support open and fair elections, WPPA legal counsel has raised concerns about potential port impacts. Along with WPPA, the Association of Washington Cities and Washington State Association of Counties testified with similar points. The sponsor in the House, Rep. Mena (D-Tacoma) has indicated her willingness to work with local governments to discuss concerns.

Modifying Public Comment Requirements for Public Agencies

HB 1105, sponsored by Rep. Kloba (D-Bothell), would require public agencies, when soliciting public comment, to include the last date by which such public comment must be submitted. If a public agency does not include the last date, they are subject to a \$500 civil penalty for the first violation and \$1000 for any subsequent violation. The bill had a public hearing on January 11.

LABOR

Paid Family Medical Leave

Senate Bill 5286, sponsored by Senator Robinson (D-Everett) and Senator King (R-Yakima) is a bipartisan proposal that would develop a new way to calculate salaries as well as create reserves for the account to address solvency issues. The language came from Washington's Paid Family Medical Leave taskforce which is made up of labor and business representatives. Click [here to review the full report](#). SB 5286 is scheduled for a public hearing next week on January 16.

LANDUSE

Next week, several climate change planning bills are up for public hearing. Most notable are HB 1181 and SB 5203 which are both Governor request bills. Similar to previous legislation, these bills would seek to add climate change and resiliency provisions to state and local government planning statutes such as the State Environmental Policy Act (SEPA), the Growth Management Act (GMA), and the Shoreline Management Act (SMA). Both bills are scheduled for hearing on January 17.

PUBLIC WORKS

WPPA testified with concerns related to several bills this week that would create burdens in execution of public works contracts. HB 1099 would require public works projects to pay prevailing wage at the time the work is completed instead of the rate set during the contract bid. SB 5333 would create consequences for contractors not achieving apprenticeship goals established in state law, including being barred from bidding on public works contracts for up to one year. WPPA is working with sponsors and committee members to remove disincentives that would reduce our contracting pools as well as overly onerous reporting or changes which would require change orders.

TRANSPORTATION

Port Competitiveness

Working with the Ports of Kalama, Bellingham, and Longview, WPPA is bringing forward legislation to grant limited antitrust immunity to ports with cargo or passenger operations. The legislation, HB 1257, is sponsored by Rep. David Hackney (D-11th LD) and Rep. Peter Abbarno (R-20th LD) and has been referred to the House Transportation Committee. It defines “qualified cargo and passenger ports” and narrowly defines what issues they can discuss under the limited antitrust immunity conferred by the bill. It would allow those ports to continue to meet with the Northwest Marine Terminals Association, notwithstanding a recent determination by the Federal Maritime Commission that they no longer enjoy federal antitrust protection. WPPA and member ports are developing stakeholder support and expect to have longshore labor in the coalition when the bill is heard by the Transportation Committee.

Governor’s Transportation Budget

The Governor’s Transportation Budget (HB 1125/SB 5162) was briefed in both the House Transportation Committee (HTC) as well as the Senate Transportation Committee (STC) this week. A concern about continued project delivery delays on projects across the state was highlighted. The two-year budget highlights over \$7 billion in construction and also highlights policy level decisions. WPPA will testify requesting to be included in the plan to identify alternative transportation needs and the costs associated with improvements should the federal government make a

determination to breach the Snake River dams. The Governor included \$5 million in his budget for this study. Public hearings on the budget will occur next week. The STC will take testimony on Tuesday and the HTC will hear testimony on Wednesday.

Freight Mobility Strategic Investment Board (FMSIB)

Legislation making reforms relating to FMSIB (HB 1084) will be heard in the HTC next Thursday. WPPA supports this legislation but has concerns about certain aspects of this legislation and will testify to address those concerns in testimony. FMSIB has had nearly \$40 million swept from its accounts over the past four years and WPPA supports overcoming obstacles with the intent to reinstate funding attached to board decisions.

Climate Commitment Act and Clean Fuels Standard Work Session

The STC will host a work session on the Climate Commitment Act (CCA) as well as the Clean Fuels Standard next Monday. Ports are seeking funding through the CCA to advance port decarbonization projects for shore power as well as transitioning cargo handling equipment.

TAX

Work Session

Senate Ways and Means will host a work session on the recommendations from the Tax Structure Work Group on Tuesday. The report culminates more than three years of study by the legislature on potential changes to tax policy in the state.

BUDGET

Capital Budget

Governor Inslee's budget proposal to the Legislature includes \$115m for Remedial Action Grants, a large portion of which would go to port districts around the state. The proposal also includes \$50m for the Washington State Broadband Office, intended as the down-payment on a state match to access substantial federal BEAD funding. And the budget also features \$5m for the Community Aviation Revitalization Board (CARB). Given the strong funding in the Inslee budget proposal for those port priorities, WPPA staff testified in support of the capital budget during Week One and shared support for those funding levels.