



Week 5 Report

February 10, 2024

The Legislative Report is distributed weekly 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](#).

INTRODUCTION

Monday, February 5th was the 29th day and second cut-off of the 2024 Legislative Session. Any bill that has not advanced out of a policy and/or fiscal committee is now considered *dead* and not likely to advance further this session. Exceptions to this rule are bills considered *Necessary to Implement the Budget (NTIB)*.

Over the next several days, the Legislature will work long hours and focus on passing bills out of their house of origin (House bills out of the House; Senate bills out of the Senate) and will spend most of their time on the House and Senate floor. At this time, any legislator may introduce amendments to bills being considered. The deadline to pass bills out of the house of origin is 5:00 p.m., Tuesday, February 13th, 2024.

Revenue Forecast & Budget Watch: February 14th is the next highly anticipated [quarterly revenue forecast](#) which is the final piece of data needed prior to finalizing and releasing the Senate and House draft budgets. Once released, the two chambers will negotiate their differences. When WPPA staff have more budget details, we'll include a deep dive in our Legislative Report on where port priorities stand in each respective budget.

Senate Capital Budget: Tentative release date:
February 15th

Senate Operating Budget: Tentative release date:
February 19th

Senate Transportation Budget: TBD

The House is expected to release its budget proposals after the Senate.

AT A GLANCE

Length: 60 days; Regular session began on January 8, 2024

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

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

For current & 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 8, 2024: First Day of Session

January 31, 2024: Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.

February 5, 2024: Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.

February 13, 2024: Last day to consider (pass) bills in house of origin (5 p.m.).

February 21, 2024: Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from

Call to Action: Status of WPPA Priority Bills

Bills in Rules – Ask your delegation to help move these bills from Rules to the floor:

[SHB 1870](#) Local Communities Federal Funding – Support – Request a Pull from Rules

[HB 1896](#) Tourism Marketing Funding– Support – Request a Pull from Rules

[SHB 1919](#) Private Moorage/Abandonment– Support – Request a Pull from Rules

[2SHB 2313](#) Digital Equity– Support – Request a Pull from Rules

[HB 1906](#) Nonresident Vessel Permit Lengths – Support – Request a Pull from Rules

[SB 6302](#) Creating a Port Supply Chain Competitiveness Infrastructure Grant Program – Support – Request a Pull from Rules

opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

February 26, 2024: Last day to read in opposite house committee reports (pass bills out of committee and read them into the record on the floor) from House fiscal committees and Senate Ways & Means and Transportation committees.

March 1, 2024: 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).*

March 7, 2024: 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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Aviation

SEA Airport Legislation:

Legislation ([SB 5955/HB 2103](#)) related to SEA Airport's noise mitigation program remains at the Senate Rules Committee. It was amended as it advanced out of the Senate Ways and Means Committee to remove a direct appropriation to an airport noise mitigation grant program in the 2025 budget year. The Port of Seattle remains supportive of the legislation and WPPA will continue to monitor the legislation as it advances, with it needing a vote on the Senate Floor before Tuesday, February 13th, to continue advancing.

Sustainable Aviation Fuel/Private Jets:

[SB 6114](#), sponsored by Sen. Liias (D-21st LD, Edmonds), requires airports to provide jet fuel for use in private jets which includes a minimum of 10% sustainable aviation fuel (SAF) blend. WPPA supports the deployment of SAF and was able to incorporate a revised implementation date tied to in-state SAF production targets. The bill is awaiting action in the Senate Rules Committee.

Broadband

CERB Rural Broadband Program:

[HB 1982](#), sponsored by Rep. Waters (R-17th LD, Stevenson), would codify the Community Economic Revitalization Board's (CERB) Rural Broadband Program and make it a permanent part of the board's funding program. The bill passed the House unanimously on February 8th.

Economic Development

Tax Increment Financing:

[HB 2354](#), sponsored by Rep. Street (D-37th LD, Seattle), removed the "opt in" provision for junior taxing districts and instead makes technical changes to TIF including mandating pre-notification of junior taxing districts and enabling arbitration for fire and hospital districts when compromise on mitigation cannot be achieved. HB 2354 moved to the House Floor Calendar on February 9th. Additional technical modifications to the bill will likely be necessary if the bill continues to advance.

Promoting Economic Development Through Federal Funding:

The Match Act ([HB 1870](#)), sponsored by Rep. Barnard (R-Pasco), would direct Washington State Department of Commerce to provide local governments, including port districts, technical assistance aimed at securing additional federal funding for local government projects. The bill was voted out of House Appropriations on February 5th and is awaiting action by the Rules Committee.

ADO Innovation Grants:

[HB 1717](#), would create an Innovation Grant program for Associate Development Organizations (ADO's) which would provide important new competitive funding for these economic development organizations. An amendment added a provision that no matching funds are required to participate in

the program and also added certain reporting requirements. The bill is in Ways & Means. WPPA will continue to support this important new tool for ADO's.

Nonresident Vessel Permit Lengths:

[HB 1906](#), sponsored by Rep. Chapman (D-24th LD, Port Angeles), would increase the allowable nonresident vessel length from 200 feet in length to 300 feet in length. This legislation aims to encourage more boats to cruise Washington's waters and will allow for extended stays and services including deep maintenance and retrofitting in Washington's boatyards. WPPA continues to work with our partners from the Northwest Marine Trade Association to get the bill pulled from Rules for a House floor vote before the February 13th cutoff.

.09 Funding – Expanded Use for Affordable Workforce Housing:

[HB 1987](#), sponsored by Rep. Low (R-39th LD, Marysville), would expand the eligible uses of .09 funds to include land acquisition for affordable workforce housing. WPPA has concerns with the bill. WPPA maintains that .09 funds are an ineffective tool to address affordable workforce housing because it does not raise enough funding to improve the stock of affordable workforce housing. The bill was voted out of the House Finance Committee on February 5th and now awaits action from the Rules Committee.

Renewing Washington's Engagement in International Affairs:

[HB 2000](#), sponsored by Rep. Mena (D-29th LD, Tacoma), would broaden the state's existing international trade programs overseen by the Office of International Relations and Protocols. The bill was voted out of the House by a vote of 65-32 on February 9th. The Senate version, [SB 6168](#) is in the Senate Rule Committee. WPPA supports these bills as they provide a meaningful update to the state's trade policy

Energy

Appeals Process for Environmental and Land Use Matters:

[HB 2039](#), introduced by Majority Leader Rep. Fitzgibbon (D-34th LD, West Seattle), is part of a multi-year effort to continue to work on improving the energy siting process in Washington state. This bill specifically focuses on modifying and streamlining the appeals process. WPPA testified in support of the bill at the public hearing. As the bill was voted out of committee, an amendment was adopted that added additional criteria for consolidation of appeals cases. The bill is currently on the House Floor Calendar, where it could be scheduled for a vote at anytime.

PSE Phasing Out of Natural Gas:

[HB 1589/SB 5562](#) is PSE's bill aimed at easing out of the natural gas business. Broadly, the bill was supported by state agencies, PSE, trades labor groups, and environmental interests. Opposition was expressed by various stakeholders in the business community. The [House substitute amendment](#), removed some of the more controversial elements of the bill including removing language that would have allowed PSE to stop connecting new gas customers and a market share carve-out on ownership or renewables. The bill does not call for discontinuing service to current natural gas customers. The House approved the bill, and it began its process in the Senate. The Senate Environment, Energy, & Technology Committee is scheduled to vote on the bill in executive session on February 16th.

Climate Commitment Act – Linkage with California & Quebec:

[SB 6058/HB 2201](#), introduced by Chairs of the Senate and House Energy Committees, Sen. Nguyen (D-34th LD, West Seattle) and Rep. Doglio (D-22nd LD, Olympia), would allow the Department of Ecology to pursue linking the state’s carbon market with California and Québec. Both Senate and House policy committees approved the bill with an amendment to address some technical issues and allow Bonneville Power Administration (BPA) to opt-in to the program. The bill is currently on the Floor Calendar in both the House and Senate and could be voted on at any time. WPPA has been monitoring this process as Ecology will have to undertake rulemaking if this is approved.

Tax Incentives for Energy Storage:

[SB 6303](#), would provide tax incentives to encourage energy storage system and component parts manufacturing in Washington. This bill is currently in the Senate Ways & Means Committee, but has not yet been scheduled for action. It may end up being considered NTIB and WPPA staff will continue to monitor.

Environmental & Natural Resources

Petroleum Product Supply and Pricing:

At the request of Governor Inslee, the Chairs of the House and Senate Environment Committees are bringing forward legislation ([SB 6052/HB 2232](#)) that is intended to collect information on petroleum product supply, transportation, distribution, and pricing from point of entry to pump. WPPA worked with the bill sponsor and the Governor’s office to secure an amendment that clarified that port districts would not be required to report on products moving through their facilities. A public hearing was held in the Senate Ways & Means Committee, but has not yet been scheduled for further action.

Model Toxics Control Act (MTCA):

When the State Legislature adopted the 2023-25 biennial operating budget last April, they included a transfer of \$50 million from the MTCA operating account to the state’s general fund for fiscal year 2025. WPPA and a coalition of organizations are requesting restoration of the \$50 million in the General Fund for environmental programs and putting the \$50 million back in the MTCA operating account for its intended purpose. We will continue to advocate for this important budget change.

Environmental Justice for Certain Projects:

[HB 2070/SB 5990](#) was introduced by Rep. Mena (D-29th LD, Tacoma) and Sen. Lovelett (D-40th LD, Anacortes) and integrates environmental justice (EJ) considerations into certain projects. It would require an EJ impact statement on projects defined as a “potentially impactful project” as a part of the SEPA process. Additionally, the bill prohibits compelling public interest from including considerations of economic benefits. The bills passed out of both the Senate and House policy committees but have not been scheduled for a hearing in their fiscal committees and are now considered unlikely to advance.

Safer Products for WA – 6PPD:

[SB 5931](#), introduced by Sen. Salomon (D-32, Shoreline) would identify the chemical 6PPD as a priority chemical, which Ecology was already working on, and expedites that process. As the bill has advanced, it was amended to remove the timeline and includes new definitions. WPPA has been monitoring this process due to a lack of available alternatives, ongoing research and studies relating to the chemical, and Ecology will have to undertake rulemaking if this is approved. The bill passed the Senate (40-9) on February 5th and has been referred to the House Committee on Environment & Energy where it is scheduled for public hearing on February 14th.

Sale of Biogenic Carbon Dioxide:

[SB 5919](#)/[HB 2069](#) was introduced by Sen. King (R-14th LD, Yakima) and gives public utility districts express authority to sell at wholesale, biogenic carbon dioxide, and other marketable coproducts resulting from the processing of biogas from landfills, anaerobic digesters, and wastewater treatment facilities. The Senate unanimously approved the bill with a minor amendment on February 2nd. In the House, the bill is scheduled for a public hearing in the Environment & Energy Committee on February 15th.

Governance

Public Comments – Technical Changes:

WPPA continues to monitor [HB 1105](#), legislation that would require a public agency that solicits public comment to include the last date by which such public comment may be submitted. This legislation passed the House last session with no opposition and has once again passed the House in 2024 on a 98-0 vote. The bill had a public hearing in the Senate State Government & Elections Committee on January 30th but has not yet been scheduled for executive session.

Even-Numbered Year Elections:

Legislation ([HB 1932](#)) sponsored by Rep. Gregerson's (D-33rd LD, SeaTac) would permit cities, towns, and some limited purpose governments to hold their elections in even-numbered years. Where the *original* bill included a "mandatory" component – requiring those political subdivisions to transition to even-numbered years if they experience less than 40 percent voter turnout in four consecutive election cycles – but that requirement was removed in committee. The bill, in its "permissive" form, passed the House on February 8th by a vote of 52-45. WPPA will continue to monitor this bill as it advances.

Including Ports/Others into the Intrastate Mutual Aid System:

[HB 1978](#) would make port districts and other special purpose districts eligible partners of the Intrastate Mutual Aid System. This bill is agency request legislation for the State Military Department. WPPA supports this bill which passed the House unanimously on February 6th. It has now been scheduled for a hearing in the Senate State Government & Elections Committee on February 15th.

State Public Infrastructure Assistance Program:

The State Military Department requested [HB 2020](#) which would establish a public infrastructure assistance program. WPPA testified with technical concerns including making sure the bill allowed port districts to be eligible to receive infrastructure assistance. WPPA has worked with the Military Department to modify the language. The bill moved out of Rules on February 8th and was approved by the House unanimously on February 9th.

Labor & Workforce

Crane Safety:

[HB 2022](#), which aims to increase the safety of the installation and removal of construction cranes, continues to move forward this session. As the bill advanced, it was amended to include language to ensure cranes in operation at port terminals are excluded from the legislation. The bill was approved on Friday, February 9th by a 77-20 vote. It has been referred to the Senate Labor and Commerce Committee. The Senate version, [SB 5900](#) will not advance, as HB 2022 is now considered the vehicle for this policy change.

Public Works – Prompter Pay:

[SB 6040](#) aims to encourage the adoption of policies and procedures that support paying subcontractors sooner after completion of work as a means to remove barriers that encumber small, women, minority and veteran owned businesses. Unfortunately, as introduced, WPPA testified with concerns that the bill would have the opposite effect. On January 30, the bill was amended and voted out of committee. The amended bill continues to use non typical language that may not meet the intent of this underlying legislation. As it stands now, the bill appears to not apply to public owners instead, focusing on contractors to pay more promptly. The bill was pulled from Senate Rules and is currently on the Floor Calendar.

Concerning Access to Personnel Records:

[SB 5924](#), sponsored by Sen. Kuderer (D-48th LD, Bellevue), is similar to legislation we saw in 2023, but has been reintroduced with changes. The bill would require an employer to furnish an employee with a complete, unredacted copy of their personnel file at no cost to the employee. The bill was scheduled for executive session on February 5th in Senate Ways & Means but no action was taken. It is now unlikely to advance further this session.

Unemployment Benefits for Striking Workers:

[HB 1893/SB 5777](#), sponsored by Rep. Doglio (D-22nd LD, Olympia) and Sen. Keiser (D-33rd LD, Des Moines), would allow employees to access unemployment insurance benefits when the employee is on strike or has been locked out following a strike against the employer. HB 1893 was voted out of the House Appropriations Committee on February 5th and awaits possible action from the Rules Committee. SB 5777 has passed out of Senate Labor & Commerce Committee and has been queued up for a possible floor vote by the Rules Committee.

WPPA has reached out to port members to solicit feedback on the potential impacts and will closely monitor this bill as it continues through the Legislature.

Land Use

State Aerial Imagery Program:

[HB 1990/SB 5954](#) was introduced by Rep. Ryu (D-32nd LD, Shoreline) to create a Washington state aerial imagery program.. The House State Government and Tribal Relations Committee voted to approve the bill with an amendment allowing a tribal land opt-in option on January 19th. The bill did not receive a hearing in the Appropriations Committee prior to the Feb 5th cutoff, it is unlikely to advance this session.

Assessment of State Lands for Agricultural and Renewable Energy Purposes:

[HB 2336](#), introduced by Rep. Morgan (D-29th LD, Parkland) would require the Washington State Department of Agriculture to perform an assessment of unused and underutilized state-owned lands and to determine the suitability of such lands for agricultural and renewable energy production purposes. On February 1st, the bill had a public hearing in the House Capital Budget Committee but has not been scheduled for further action. It is unlikely to advance.

Transportation

Port Supply Chain Competitive Infrastructure Program:

[SB 6302](#) establishing the Port Competitiveness Infrastructure Program was heard on February 1st. The bill is sponsored by Senator's Liias and King and would establish a grant and loan program designed to fund port or port-adjacent projects that specifically address bottlenecks and barriers to an efficiently operating supply chain. These projects are often challenging to fund through existing programs but impede Washington's competitiveness and our trade-driven economy. This program is designed to be flexible by enabling infrastructure investments in the many diverse needs that ports have, including in-water, dredging, high-wide-heavy corridor compliance and much more. Despite his interest in helping establish a program this year, Sen Liias has conveyed that this year's supplemental transportation budget would not support any project funding this year, giving us the opportunity to stand up the program and prepare to work on funding it in 2025. In response to agency feedback, WPPA proposed an amendment adopted by the Senate Transportation Committee. The bill awaits action by the Senate Rule Committee.

Shortline Freight Rail Modernization:

[SB 5494](#) was voted out of the Senate Business Financial Services Gaming & Trade Committee on January 23rd but has not yet been scheduled for a hearing in Senate Ways & Means. Most port districts making investments in rail infrastructure will be eligible for a Sales and Use Tax exemption on materials purchased as part of a rail infrastructure project. The companion bill [HB 1371](#) passed the House on February 8th with a unanimous vote.

Transportation Electrification Strategy – Implementing Legislation:

[SB 6304](#) was introduced by Senator Lias (D-21st LD, Edmonds) and Sen. Nguyen (D-34th LD, White Center) to implement certain recommendations of the transportation electrification strategy (TES). The TES was a lengthy process that WPPA participated in, and the [final published version](#) was sent to the legislature this past week. The bill includes a Medium-Heavy-Duty vehicle idling prevention provision among many other items in the bill. The idling prevention program and incentives for any new technology is funded through enforcement of the measure through an annual fee and up to a \$1000 a day penalty from the police or air pollution control agency. WPPA’s main concerns were relating to the high fees and penalties, considerations needed for extreme weather conditions, and the short timeline without a transition period. After numerous stakeholder conversations and a productive meeting with Sen. Lias, an amendment was introduced that would push back the timeline one year, removes the annual fees but maintains the penalties, and provides exemptions for worker safety, extreme weather, emergency events, and trucks providing a direct power source for operations. We will continue to monitor the bill and advocate for a holistic approach to electrification, increased investments in infrastructure, support for a MHDV incentive program, and electrification that results in increased efficiency in port operations.

Tax & Revenue

Increasing the 1% Property Tax Cap:

WPPA is part of a coalition of local governments that supports legislation ([SB 5770](#)) to increase the 1% property tax cap. Led by the Association of Washington Cities, Sen. Pedersen’s (D-43rd LD, Seattle) bill would tie the cap to inflation and make 3% the new maximum increase limit. The bill was voted out of Senate Ways & Means Committee on February 5th and appeared poised for a floor vote this week. However by Friday its prospects had dimmed, and it’s now once more considered unlikely to advance.

Tourism

WPPA continues to support two bills that make modest changes to the state’s tourism marketing authority and its governing statute.

[SSB 6080/HB 1896](#): The Senate version of the bill received a unanimous floor vote on February 8th. The House version is currently in Rules.

[SB 6202/HB 2137](#): The Senate version received a unanimous floor vote on February 7th. The House version also passed unanimously on February 8th.

Bills WPPA was Monitoring that are Unlikely to Advance This Session:

HB 1990 State Aerial Imagery Program

HB 2070/SB 5990 Environmental Justice for Certain Projects

HB 2336 Assessment of Aquatic Lands

SB 5770 Property Tax Cap

SB 5924 Access to Personnel Records