

Washington State 2021 Legislative Session: An Update on Climate Change Bills

Presentation to the ECC of the Washington State Democratic Party

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Goals and Caveats

- Update on Climate Change Legislation
- Brief Overview of Legislative Progress In Other Areas
- Not A Comprehensive Review of Bills
 - Perhaps a few inaccuracies (It is difficult in some cases to obtain updated information)

Background

- State Operates on Biennium Basis
 - This is Long Session (105 Days), Next Year is Short Session (60 Days)
- Three Budgets and 1,000+ Bills To Consider
- Cutoff Dates
 - March 9 = Cutoff for Bills Passing Out of Chamber of Origin
 - Session Ends April 25
- Democratic Trifecta in Olympia
- Session on Zoom
 - Bill “Throughput” Limitations

Agenda



- HIGH PRIORITY CLIMATE CHANGE BILLS
- LOWER PRIORITY CLIMATE CHANGE BILLS
 - DEAD CLIMATE CHANGE BILLS
- OTHER PRIORITIES RELATED TO CLIMATE CHANGE
 - OTHER LEGISLATIVE AREAS
 - THEMES

Climate Change Bills: High Priority and Alive

- Price on Carbon
- Heal Act
- Clean Fuels Act
- Progressive Transportation Budget
- Growth Management Act
- Clean Cars



**EMERGING AS DEMOCRATIC
PARTY "BIG FOUR PACKAGE"**

Price on Carbon (SB 5126)

- **Two Major Proposals**

- Washington Strong (HB 1513/SB 5373): Green Bonds
 - Bill Now Appears to be Dead?
- Climate Commitment Act (SB 5126): Cap-and-Invest
 - Bill has not passed either chamber, but is still alive
 - Hearing: January 19 (Senate Committee on Environment, Energy and Technology)
 - Hearing: March 15 (Senate Ways and Means Committee)

- **Comments**

- Governor Inslee/Senator Carlyle (D-36)/Representative Fitzgibbon (D-34) support Cap-and-Invest
 - Receiving favored treatment by Senator Carlyle
- Some Senators sponsored both bills (e.g., Saldana (D-37), Nguyen (D-11))
- Several prior unsuccessful attempts to implement carbon tax in Washington State
- Concern over divide in environmental community
- Climate Commitment Act is moving forward

Heal Act (SB 5141)

- **Overview:** Bill calls for all climate change legislation to acknowledge reality that climate change impacts disproportionately impact lower-income communities and communities of color, and to take steps to address this reality. (Heal = Healthy Environment for All.)
- **Status**
 - Passed the Senate (28-21) on March 1
 - Hearing: March 12 – House Committee on Environment and Energy
- **Comments**
 - Senator Saldana (D-37) lead sponsor
 - Has failed in each of last two years
 - 2 Amendments:
 - Removed tribal and indigenous peoples as vulnerable
 - Decisions are non-binding

Clean Fuels Act (HB 1091)

- **Overview:** Bill calls for Transportation Fuels With Lower Carbon Content
- **Status**
 - Bill has passed House (52-46) on February 27
 - Hearing: March 10 -- Senate Committee on Environment, Energy and Technology
- **Comments**
 - Has passed House but not Senate each of last two years
 - However, a different path forward this year (not going through Transportation Committee)
 - Similar legislation has passed in Oregon and California
 - Implications for BP Cherry Point Refinery

State Transportation Budget

- There are four major transportation bills:
 - Steve Hobbs (D-44) Senate Transportation Budget: \$19 Billion/16 Years (Forward Washington)
 - Rebecca Saldana (D-37) Senate Transportation Budget: \$14 Billion/12 Years
 - Curtis King (R-14) Senate Transportation Budget: \$10 Billion/8 Years (Freedom Caucus Proposal)
 - Jake Fey (D-27) House Transportation Budget: \$26 Billion/16 Years
- Status
 - Transportation budgets will be turned into bills and debated/negotiated
 - Major Areas of Difference: Size of Bill, Focus on Transit Versus Road Widening/New Construction
- Comments
 - House Transportation Budget Most Progressive, But Large Size May Be Issue
 - More Focus on Transit, Less Focus on Road Widening and New Roads
 - Implications for Sound Transit

Growth Management Act

- **Overview:** The GMA is updated every eight years (and 2021 is an update year). It deals with growth management issues across the state. There are a number of bills that incorporate climate change concerns into the GMA. The GMA establishes requirements for County Level Comprehensive Plans.
- **Status**
 - HB 1099: Includes climate change concerns in the GMA (Passed House, 56-41)
 - HB 1220: Improves affordable housing and shelter usage via the GMA (Passed House, 57-39-2)
 - HB 1117: Includes salmon recovery efforts in changes to GMA (Passed House, 58-38-2)
 - SB 5275: Deals with land use concerns in rural areas (Passed Senate, 45-4)
 - However, Many GMA Bills Dead
 - HB 1298/SB 5221: On affordable housing (many environmentalists are pleased that this bill is dead)
 - HB 1337: Dealing with ADUs
 - SB 5042: Concerning the timing of changes to the GMA as well as sprawl
 - HB 1157/SB 5390: Zoning Changes to allow/encourage greater density
 - SB 5221: Accessory dwelling units in rural areas
- **Comments**
 - GMA is complicated, multi-faceted, and highly important due to intersectionality with density, transit, affordable housing, transit-oriented development, carbon emissions, etc.

Clean Cars (HB 1204/SB 5256)

- Overview: Bill originally called for all new cars registered in Washington State in 2030 and beyond to not have internal combustion engines. Now: reformulated to be aspirational instead of a mandate.
- Status
 - Bill passed out of committee in House
 - Bill did not receive floor vote in either chamber
 - Bill is still alive, however, due to development of “creative options”
- Comments
 - We should oppose watered down version of bill (aspirational instead of mandate)
 - We should support ongoing introduction of bill in subsequent years if it doesn't pass

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Climate Change Bills: Lower Priority and Alive

- Zero Emission Ports (SB 5026)
- Lifecycle Analysis of Energy Usage in Public Facilities (HB 1280)
- Fluorinated Gases (HB 1050)
- Forest Health and Wildfire Management (HB 1168)
- Wildfire Advisory Committee (SB 5158)
- Hydrogen Fuel Cell Tax Preference (SB 5000)
- Prepare for Zero Emissions Transportation Future (HB 1287)

Climate Change Bills: Lower Priority and Alive (Cont.)

- Sales Tax Exemption for Electric Bicycles (HB 1330)
- Increased Access for Electric Bicycles (SB 5452)
- Protocols for Purchasing Electric Ferries (HB 1502)
- Urban and Community Forestry (HB 1216)
- Encouraging Utility Mitigation of Heat Island Effects (HB 1114)
- Per Mile Charge for Electric Vehicles (SB 5444)
- Director of Rulemaking for Autonomous Vehicle Licensing (SB 5460)
- Delays Implementation of Photovoltaic Takeback Program (HB 1193)

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Other Climate Change Bills: Dead

- Ride Sharing Services Emissions (HB 1075)
- De-Carbonization of Buildings (HB 1084/SB 5093)
- Use of Greener Building Materials (HB 1103/SB 5366)
- Allows Non-Dealer Automobile Sales to Facilitate Electric Vehicles (HB 1388)
- Alternate Fuel Rebate for Low-Income Households (HB 1503)
- Community Solar (HB 1046)
- New Nuclear Reactors (SB 5244)
- Energy Facility Site Evaluation Council (SB 5415)
- Reducing Fee for Electrification of Vehicles (SB 5308)

Climate Change Bills That Never Were

- Introduction of Mandatory Climate Change Curriculum in K-12 Schools Statewide
 - Limited bills on this issue introduced but not passed last year
 - Patterned off of momentous New Jersey bill that has passed:
<https://patch.com/new-jersey/wyckoff/new-jersey-curriculum-feature-climate-change-education>
- Declaration of Climate Change Emergency in Washington State
 - Introduced but did not pass last year

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The State Budgets

- Operating Budget
 - Inslee's Budget contains \$55 million for weatherization programs
- Transportation Budget
 - Huge implications for climate change (already discussed)
- Capital Budget
 - Impacts school construction, with implications for climate change
 - Also: Clean Energy and Clean Water Projects; Salmon Recovery; Weatherization; Community Forests; Wildfire Management; Broadband

Other Environmental Bills

- Comprehensive Planning for Salmon (HB 1117)
- Streamlines Salmon Recovery Permitting (HB 1382)
- Reduces Plastics Pollution (SB 5022)
- Statewide Coordinated Industrial Waste Program (SB 5345)
- Providing Information on Shoreline Hardening Options (SB 5273)
- Recycling of Turbine Blades (SB 5174) – Bill is Dead
- Adds Right to Healthy Environment to Constitution (HB 4205) – Bill is Dead


Progressive Taxation

- Capital Gains Tax (SB 5096)
 - Passed Senate, 25-24
 - Emergency Clause Removed
 - 7% Capital Gains Tax on Capital Gains Over \$250,000 (with some exemptions)
 - Will Raise Over \$500 Million/Year (Modest)
- Working Families Tax Credit (HB 1297)
 - Passed House, 94-2-2
 - Rebates for Low-Income Individuals (Similar to Federal Earned Income Tax Credit)
- Billionaire Tax (HB 1406/SB 5426)
 - Noelle Frame Bill
 - Status Unclear

Issues of Jurisdictional Authority

- Growth Management Act Legislative “Tools”
- Financing: Sound Transit, West Seattle Bridge, etc.
- State Government Requiring Certain Homeless Shelter Capacity in Cities (SB 5107)
- Inter-local Polity Agreements on Annexation (SB 5368)
- State Government Precluding County/City Government From Controlling Zoning Decisions
 - E.G., HB 1220 and SB 5235 preclude local government from requiring an owner of a lot with an ADU to reside on the lot and controlling the number of unrelated persons living on the lot
- State: The Legality of a Capital Gains Tax
- State: How To Implement Taxes at the State Level that Also Exist at the Local Level
 - E.G., High Earners Tax at State Level
- How To Deal With Mercer Island Legislation Making Homeless Camps Illegal
- In Other States: State Pre-empting County/City Legislation
 - E.G., Passing state legislation that preempts cities from precluding limitations on natural gas in new buildings
- Etc., Etc., Etc.

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Legislation In Six Areas of Societal Crises

1. Climate Change (Already Covered)
2. Tax Structure (Already Covered)
3. Pandemic
4. Recession
5. Homelessness
6. Racial Justice
7. Other

Pandemic

- SB 5115: Establishes emergency labor standards that reflect the added health risks associated with the pandemic. (Passed the Senate.)
- **HB 1213/SB 5237: Expands affordable day care programs. (These bills have passed their respective chambers.)**
- HB 1073: Expands the state's Paid Family and Medical Leave program for workers whose hours were cut due to Covid-19. (Passed the House.)
- HB 1148: Provides protections for patients in acute care facilities. (Passed the House.)
- HB 1486: Extends unemployment insurance to individuals who voluntarily quit their employment in order to care for a child or vulnerable adult.
- HB 1225: Increases support for school-based health facilities. (Passed the House.)
- HB 1342: Eliminates the school lunch co-pay requirement for students in need. (Passed the House.)
- **EHB 1121: Provides a means of graduating for students who are at risk of not graduating due to the pandemic. (Passed the House and the Senate.)**
- SB 5357: Increases access to broadband in order to improve educational equity. (Passed the Senate.)

Recession

- **HB 1368: Provides economic relief to citizens, and directs the deployment of federal stimulus money. (This bill has already been passed into law.)**
- HB 1151: A proposal to provide public support, including food relief, for individuals in need. (This bill has passed the House.)
- ESSB 5061: A bill to preclude future significant state unemployment insurance rate hikes on employers due to increased layoffs made necessary by the pandemic. (This bill has already been passed into law.)
- SB 5438: A proposal to provide unemployment benefits for undocumented workers.
- SB 5214: A bill to increase access to the state's welfare program (Temporary Assistance for Needy Families). (Passed the Senate.)
- HB 1494: Reduces property tax burden for lower-income individuals (an anti-displacement measure).
- **HB 1299: A proposal to decrease the business tax for hospitality businesses, which have been devastated by the recession.**

Homelessness

- **SB 5160: Extends the eviction moratorium for tenants and provides both tenant and landlord protections during the pandemic. (Passed the Senate.)**
- HB 1236: Protects tenants by limiting the reasons for eviction. (Passed the House.)
- SB 5012: Raises money via a rental tax to fund affordable housing.

Racial Justice

- **SB 5066: Established standards for police officers to report on use of force incidents involving other officers. (Passed the Senate.)**
- SB 5259: Requires statewide reporting of use-of-force incidents. (Passed the Senate.)
- SB 5051: Provides additional bases upon which police officers can be decertified. (Passed the Senate.)
- **SB 5038: Prohibits open carry of weapons in public spaces. (Passed the Senate.)**
- HB 1054: Bans the use of certain police procedures (e.g., chokeholds). (Passed the House.)

Other

- **Universal Health Care: Bill to establish commission to study single payer health care viability in the State (SB 5399 -- Passed the Senate)**
- **Comprehensive Child Care: Provides access to childcare and early childhood development programs (HB 1213/SB 5237 – Passed Respective Chambers)**
- **Ranked Choice Voting: Bill to allow this in elections statewide (HB 1156)**
- **State Bank: Bill to pursue public bank in Washington State (SB 5188 -- Passed the Senate)**
- **Generic Pharmaceutical: Bill to allow state to work with other states to procure or produce certain generic drugs (SB 5203 – Passed Senate)**
- **Consumer Data Privacy: Bill to enhance consumer rights (SB 5062 – Passed the Senate)**
- **Gun Control: Bill to limit access to high-capacity magazines (SB 5078 – Dead)**
- **Memorial Statues: Bill to replace Marcus Whitman statue with Billy Frank statue in National Statuary Hall (HB 1372 – Passed the House)**

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Themes

- There are opportunities for momentous, structural change in this legislative session
 - Capital Gains Tax
 - Carbon Price
 - Heal Act
 - Clean Fuels
 - GMA Improvements
 - Progressive Transportation Budget (Pro-Transit and Anti-New Road Capacity)
 - Clean Cars
- Many of these bills would have major impact on Seattle
- There are also opportunities to pursue bills that have been introduced but will not pass this year (but might pass in the near future)
- **Now is the Time for Major Structural Change**
 - **Societal Crises = Need For Structural Change**
 - **Democratic Trifecta = Opportunity for Structural Change**
 - **Long Session = Available Time for Structural Change**
 - **No Excuses**