

Legislative Update

**WSCC Regular Meeting
Virtual Meeting – September 17, 2020**

Ron Shultz, WSCC Policy Director



Washington State
Conservation Commission

Budget and Session Overview



- ▶ Speculation as to whether there will be a special session to address the state's budget situation.
- ▶ Recent revenue projects indicate a shortfall in the 2021 fiscal year (our current fiscal year) of \$4.8 billion, and a shortfall for the 2021-23 biennium of \$4.5 billion.
- ▶ To address current fiscal year shortfall the Governor cut more than \$200 million from the supplemental budget using his veto authority. Other actions were also taken

Budget and Session Overview

- ▶ And as we know, the Office of Financial Management (OFM) asked all agencies to submit proposed 15% reductions for the current fiscal year.
- ▶ OFM is anticipating federal action to support state and local governments. Whether this comes in the form of new money for states, or whether more flexibility will be provided in the use of funds already available (which for Washington currently totals about \$1.6 billion) will likely hinge upon the outcome of the November national elections.
- ▶ On September 3, the state Revenue and Forecast Council released some good news when they shared that actual revenues since the February forecast are up by \$643 million.

Possible Legislation

Public Records Act changes relating to release of ballot information.

SCC request legislation, previously approved by the Commission.

- ▶ CD record certain information when a voter request a ballot, including phone number and email address.
- ▶ Districts have received requests for this information as public record. This information has sometimes been used for campaign purposes.
- ▶ Under the state Public Records Act (PRA), a CD must make records available for public inspection unless the record falls within a specific statutory exemption. This information is currently not statutorily exempted under the PRA.
- ▶ CDEAC recommended agency request legislation to amend the PRA to exempt this information from release.

Possible Legislation

Open Public Meeting Act (OPMA) changes.

- ▶ Add language to the current statute to allow for public participation virtually or in person.
 - ▶ Likely not executive or agency request. Possibly introduced by cities or counties associations.
 - ▶ This would be an important topic impacting both the Commission and conservation districts.
- 

Possible Legislation

Agriculture Impact Statement (AIS).

- ▶ A bill has been run the previous few years.
- ▶ This is a concept that came out of our Farmland Preservation Task Force in 2008.
- ▶ The ag impact statement would be used by any state agency when the agency acquires an interest in land.
- ▶ The form would ask a few questions, such as whether the property is zoned for agriculture, whether it's currently farmed, does the agency anticipate continuing to farm.
- ▶ The information is sent to OFP to collect data on the scope of farmland converted to other uses.
- ▶ The bill passed the House last session but stalled in the Senate due to the objections of some tribes who were concerned most state funding for land acquisition is for salmon restoration projects and the information could be used politically to argue against salmon restoration projects.
- ▶ Our view was the information won't stop any projects and will help inform a discussion about two state priorities – farmland preservation and salmon recovery.

Possible Legislation

Water Bank in Okanogan County.

- ▶ Stakeholders in Okanogan County have been talking about the development of a water bank as a means to reduce the sale and transfer of water rights out of the basin.
 - ▶ The idea is the state could purchase the water right and hold it in the water bank. This would allow the landowner to get value for the water and, in some cases, continue to be able to use the water. The water would also be available to future landowners in the area, where they would not be if the rights were sold and moved out of basin.
 - ▶ One version of the bill has the Conservation Commission serving and the bank and purchasing and holding the rights in trust in the bank.
- 

Possible Legislation

Cultural resources review of all state funded projects.

- ▶ This legislation was introduced last year but didn't pass.
- ▶ Proponents will seek to reintroduce the bill this session.
- ▶ The bill would place in statute the existing Governor's executive order relating to cultural resources review of state funded projects.
- ▶ The Conservation Commission already follows these requirements so the impact of the bill may not be significant for us.

Application of Net Ecological Gain to transportation projects.

- ▶ Possible legislation applying to state funded transportation projects.
 - ▶ Requirement projects are to apply concepts of net ecological gain to the project development.
 - ▶ The bill may only address transportation or even large state funded capital projects, but there has been interest expressed by advocates to apply net ecological gain requirements to other state funded projects.
- 

Possible Legislation

Exempting from certain state taxes amounts provided by a government entity for habitat restoration activities.

- ▶ Recent DOR interpretation state revenue laws to require taxation of funds received by salmon recovery entities for the purpose of salmon restoration projects.
 - ▶ DOR determined the grants received by these entities are income and should therefore be reported and taxed as such.
 - ▶ After several discussions among stakeholders and DOR it looks like there is proposed legislation to fix this.
- 

Possible Legislation

Accountability and transparency in special purpose elections.

In a recent news report, Representative Pollet indicated he will re-introduce legislation requiring individuals elected to serve in special purpose districts, including conservation districts, to file public disclosure documents disclosing financial and business interest information.

Carbon tax proposals. There will likely be another attempt to pass some form of a carbon tax to fund transportation projects. Similar legislation has been attempted in previous years.



Other Policy Discussions

Salmon Recovery and Riparian Restoration. There are several conversations already underway to address needed improvements in our state's response to salmon recovery. By the end of 2020, the Governor's Salmon Recovery Office will have completed a review of the state's salmon recovery plan *Extinction is Not an Option* and will likely have recommendations for legislation. Its possible legislation may come from some of these discussions.



Next Steps

- ▶ The Commission's Legislative Team will continue to develop our legislative strategies in coordination with conservation districts and WACD.
 - ▶ We will be setting up meetings with legislators to discuss our work and budget proposals.
 - ▶ On September 23, Bill and Ron will be giving a presentation on VSP to the House Rural Development, Agriculture, and Natural Resources Committee.
- 

Questions?

