



Session Watch

Monday, March 15, 2021 (day 63 of the 120-day session)

Week 9 Recap

The legislative session passed the halfway mark this week. All bills must have passed their house of origin to remain alive, so the tracking list is shorter. Of course, tax bills remain alive until the end and this year, there are far too many tax bills. The latest rumor is that budget proposals will be delayed till late March or early April to allow for integration of the federal COVID-19 relief money. Let us take a deeper dive into several bills of interest.

SB 5362 - Ensuring the funding of agricultural fairs passed the Senate. Support was bipartisan, however, six urban Senators voted against the bill. The bill was amended by the Chair of Ways and Means. It now reads, the omnibus operating appropriations act (budget) must appropriate to the fair fund an amount equal to: \$2 million in fiscal year 2021; \$2,750,000 in each fiscal year 2022 and 2023; \$3,500,000 in each fiscal year 2024 and 2025; and \$4,000,000 in fiscal year 2026 and each fiscal year thereafter. This is a significant improvement over past years. It does not deal with the limitation that allocations may be made only as a reimbursement for operating expenses incurred by the fairs, so limitations remain for fairs that were cancelled last year.

2SSB 5045 - Expanding opportunities for meat and poultry processing and inspection. The bill creates a state Meat and Poultry Processing and Marketing Assistance Program. It directs the WSDA to work with USDA to negotiate a cooperative agreement to operate a state meat and poultry inspection program. It directs the State Conservation Commission to establish a grant program to provide funding for meat and poultry processing facilities in conservation districts.

ESSB 5172 – The bill that tries to protect agricultural employers from retroactive claims for overtime pay was one of the last to pass the Senate before cutoff. It was amended at every step in the process. As passed, it provides protection from retroactive overtime claims for all agricultural

employers except those involved in the original lawsuit. The bill also removed the ag overtime exemption from state law.

It provides overtime pay for hours worked over 40 hours in a workweek to dairy employees upon the effective date of the bill. It phases-in overtime pay to all other agricultural employees beginning on January 1, 2022, with the employees receiving overtime for hours worked over 55 hours in a week and ending with those employees receiving overtime for hours worked over 40 hours in a week beginning January 1, 2024.

The bill still does not address seasonality. More changes are expected as the bill moved through the House.

ESSB 5096 – Capital Gains tax This bill creates 7% tax on capital gains above \$250,000 for individuals and joint filers starting in 2022. A striking amendment adopted Saturday includes a requirement for yearly adjustments to that threshold based on inflation. The Department of Revenue estimates about 8,000 taxpayers a year will owe the 7% tax, raising more than \$500 million a year.

Exemptions in the bill include most real estate and retirement accounts. There is a deduction in the bill for sales of family-owned small businesses that meet certain qualifications. The bill authors claim they intended to exempt the sale of all real estate, but a definition of real estate was added that limits the exemption for real estate held by entities such as LLCs, S-corps, and partnerships. Much farmland is held by such entities. The family-owned business exemption helps, but CPAs warn that, as currently written, transferring farmland could be subject to the new 7% tax. Four Democrats and all Republicans voted against the bill, leaving it to pass out of the Senate by one vote.

All events listed below can be watched on TVW, <https://www.tvw.org/schedule-main/>. If you don't

have time to watch when the committee is live, you can go back later and watch the video. You may sign up to testify, to register your position or submit written comments during a public hearing by using this link;

<https://app.leg.wa.gov/csiremote/>

Enter the name of the committee and the date as shown below. Exec Session is when the committee amends and votes on the bill.

How to Testify on Bills this Year

Start here: <https://app.leg.wa.gov/csiremote/>

Select House or Senate

Committee: Choose the committee where your bill is being heard

Meetings: Choose the date of the hearing

Select the bill you want from the list.

Select:

I would like to submit written testimony.

I would like to testify live during the hearing.

I would like my position noted for the legislative record.

You may check to see who else has signed in to testify.

On the next screen, fill in all the blanks and submit.

You will receive an email with a link for the hearing. At the appropriate time, join the meeting and wait to be admitted.

When you are called to speak, introduce yourself and speak for 1-2 minutes.

To prepare, write down what you want to say. Read it aloud several times. Time yourself.

To find hearings not listed below, look here:

<https://app.leg.wa.gov/committeeschedules/>

Things to remember

If you do not know who your legislators are, find out here: <http://app.leg.wa.gov/districtfinder>. Find your legislators e-mail address here:

<http://app.leg.wa.gov/MemberEmail/Default.aspx?Chamber=H> Legislator phone numbers and office addresses are available on the individual member pages. Links to the member pages can be found on the House site, the Senate site or on the Member Roster lists. If you would like to send a message to your legislators regarding a specific bill, you may use the Bill Comments form. Learn more here: <https://app.leg.wa.gov/pbc/>.

Toll-Free Hotline - 1-800-562-6000 allows you to leave a message for your legislators. When leaving a message with the Hotline, please be prepared to give your name and street address. During the Legislative session, the Hotline is open from 8:00 a.m. to 8:00 p.m. Monday through Friday.

Upcoming Events

Finance (House) - Virtual, - 3/15 @ 10:00am

1. ESSB 5096 - Public Hearing - Enacting an excise tax on gains from the sale or exchange of certain capital assets. (Oppose/High)

Ways & Means (Senate) - Virtual, - 3/15 @ 4:00pm

2. SSB 5126 - Public Hearing - Concerning the Washington climate commitment act. (Remote testimony.) (Oppose/Medium)

Housing & Local Government (Senate) - Virtual, - 3/16 @ 8:00am

3. E2SHB 1099 - Public Hearing - Improving the state's climate response through updates to the state's comprehensive planning framework. (Remote testimony.) (Concerns/Medium)
4. E2SHB 1117 - Public Hearing - Promoting salmon recovery through revisions to the state's comprehensive planning framework. (Remote testimony.) (Oppose/High)

Civil Rights & Judiciary (House) - Virtual, - 3/16 @ 10:00am

5. ESSB 5038 - Public Hearing - Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol. (Remote testimony.)

Rural Development, Agriculture & Natural Resources (House) - Virtual, - 3/16 @ 10:00am

6. SB 5300 - Public Hearing - Prohibiting the feeding of garbage to swine. (Support/Low)

Environment, Energy & Technology (Senate) - Virtual, - 3/16 @ 10:30am

7. E2SHB 1050 - Public Hearing - Reducing greenhouse gas emissions from fluorinated gases.
8. E3SHB 1091 - Exec Session - Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. (Concerns/Medium)

Agriculture, Water, Natural Resources & Parks (Senate) - Virtual, - 3/16 @ 1:30pm

9. SHB 1355 - Public Hearing - Concerning noxious weeds. (Remote testimony.) (Support/Medium)

Transportation (Senate) - Virtual, - 3/16 @ 4:00pm

10. SB 5444 - Exec Session - Implementing a per mile charge on electric and hybrid vehicles.

Community & Economic Development (House) - Virtual, - 3/17 @ 10:00am

11. 2SSB 5383 - Public Hearing - Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions. (Remote testimony.)

Rural Development, Agriculture & Natural Resources (House) - Virtual, - 3/17 @ 10:00am

12. SB 5063 - Public Hearing - Concerning the expiration date of the invasive species council. (Remote testimony.) (Support/Low)
13. SB 5159 - Public Hearing - Concerning payments in lieu of real property taxes by the department of the fish and wildlife. (Remote testimony.) (Support/Medium)

Agriculture, Water, Natural Resources & Parks (Senate) - Virtual, - 3/18 @ 1:30pm

14. SHB 1355 - Exec Session - Concerning noxious weeds. (Support/Medium)

Ways & Means (Senate) - Virtual, - 3/18 @ 4:00pm

15. SSB 5126 - Exec Session - Concerning the Washington climate commitment act. (Oppose/Medium)

Civil Rights & Judiciary (House) - Virtual, - 3/19 @ 8:00am

16. ESSB 5038 - Exec Session - Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.

Community & Economic Development (House) - Virtual, - 3/19 @ 8:00am

17. 2SSB 5383 - Exec Session - Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

Rural Development, Agriculture & Natural Resources (House) - Virtual, - 3/19 @ 8:00am

18. 2SSB 5045 - Public Hearing - Expanding opportunities for meat and poultry processing and inspection. (Remote testimony.) (Support/High)
19. SB 5063 - Exec Session - Concerning the expiration date of the invasive species council. (Support/Low)
20. 2SSB 5253 - Public Hearing - Implementing the recommendations of the pollinator health task force. (Remote testimony.) (Neutral/Medium)
21. SB 5300 - Exec Session - Prohibiting the feeding of garbage to swine. (Support/Low)
22. SSB 5317 - Public Hearing - Concerning pesticide registration and pesticide licensing fees. (Remote testimony.) (Neutral/High)

Environment & Energy (House) - Virtual, - 3/19 @ 10:00am

23. E2SSB 5141 - Exec Session - Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force. (Concerns/Medium)

High Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
E2SHB 1117 Comp. planning/salmon Promoting salmon recovery through revisions to the state's comprehensive planning framework.	S Housing & Local	Lekanoff	Oppose
HB 1135 (SB 5165) Transp. budget 2021-2023 Making transportation appropriations for the 2021-2023 fiscal biennium.	H Transportation	Fey	Concerns
ESHB 1336 Public telecomm. service Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.	S Environment, En	Hansen	Support
HB 1465 Estate tax Making the estate tax more progressive by exempting small estates, reducing estate taxes on medium estates, increasing the estate tax on larger estates, and addressing equity in homeownership and homelessness.	H Finance	Orwall	Concerns
2SSB 5045 Meat & poultry inspection Establishing a state meat and poultry inspection program.	H RDev, Ag&NR	Warnick	Support
ESSB 5096 Capital gains tax Concerning an excise tax on gains from the sale or exchange of certain capital assets.	H Finance	Robinson	Oppose
SB 5165 (HB 1135) Transp. budget 2021-2023 Making transportation appropriations for the 2021-2023 fiscal biennium.	S Transportation	Hobbs	Concerns
ESSB 5172 (HB 1217) Agricultural overtime Concerning the retroactivity of overtime claims in exceptional cases.	H Labor & Workpla	King	Oppose
SSB 5317 Pesticide registration Concerning pesticide registration and pesticide licensing fees.	H RDev, Ag&NR	Warnick	Neutral
SB 5373 Carbon pollution Concerning carbon pollution.	S Environment, E	Lovelett	Concerns

Medium Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
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E3SHB 1091 (SB 5231)	Transportation fuel/carbon Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.	S Environment, En	Fitzgibbon	Concerns
E2SHB 1099	Comprehensive planning Improving the state's climate response through updates to the state's comprehensive planning framework.	S Housing & Loca	Duerr	Concerns
2SHB 1168	Long-term forest health Concerning long-term forest health and the reduction of wildfire dangers.	S Ag/Water/Natura	Springer	Neutral
ESHB 1196 (SSB 5325)	Audio-only telemedicine Concerning audio-only telemedicine.	S Health & Long T	Riccelli	Support
EHB 1199	DNR lease termination Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default.	S Ag/Water/Natura	Corry	Support
SHB 1355	Noxious weeds Concerning noxious weeds.	S Ag/Water/Natura	Dent	Support
SSB 5126	Climate commitment act Concerning the Washington climate commitment act.	S Ways & Means	Carlyle	Oppose
E2SSB 5141	Env. justice task force recs Implementing the recommendations of the environmental justice task force.	H Env & Energy	Saldaña	Concerns
SB 5159	WDFW payments/property tax Concerning payments in lieu of real property taxes by the department of the fish and wildlife.	H RDev, Ag&NR	Warnick	Support
2SSB 5253	Pollinator health Implementing the recommendations of the pollinator health task force.	H RDev, Ag&NR	Liias	Neutral
SSB 5325 (ESHB 1196)	Telemedicine Concerning audio-only telemedicine.	H HC/Wellness	Muzzall	Support
2SSB 5362	Agricultural fair funding Ensuring the funding of agricultural fairs.	H Approps	McCune	Support
ESSB 5439	Broadband/state highways Facilitating the coordinated installation of broadband along state highways.	H Transportation	Saldaña	Support

Low Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
SB 5063 Invasive species council exp Concerning the expiration date of the invasive species council.	H RDev, Ag&NR	Honeyford	Support
SB 5300 Feeding of garbage to swine Prohibiting the feeding of garbage to swine.	H RDev, Ag&NR	Van De Wege	Support
Other Bills			
<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
E2SHB 1050 Fluorinated gases Reducing greenhouse gas emissions from fluorinated gases.	S Environment, En	Fitzgibbon	
ESSB 5038 Open carry of weapons Prohibiting the open carry of certain weapons at public demonstrations and the state capitol.	H Civil R & Judi	Kuderer	
2SSB 5383 Public telecomm. services Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions.	H Comm & Econ Dev	Wellman	
SB 5444 Electric vehicles/per mile Implementing a per mile charge on electric and hybrid vehicles.	S Transportation	Saldana	

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