

NWHPBA Legislative Report

February 17, 2022

WASHINGTON STATE UPDATE

The Washington State Legislature hit the technical midway point on February 15 with the cut off for bills to be out of the House of Origin. This means that most bills are dead if they were not advanced to the other body. Of course, as the budgets are negotiated, we will see bills come back to life as necessary to implement the budget. So, nothing is truly “dead” until they adjourn the session.

The next cut off day for bills to be out of their opposite house committees is February 24th so there is a mad scramble to keep bills moving in order to keep them alive and to have a chance before the March 10th adjournment.

“Decarbonization Bills” -- NWHPBA Grassroots Work Successful ...

It has been “whack a mole” for NWHPBA chasing down and working with our colleagues to kill anti-fuel choice and natural gas bills. Of the four bad bills, two are now dead and one has been amended successfully.

HB 1767 – Targeted electrification: This bill would have allowed PUDs to create programs to move customers away from gas and wood heat. Of particular concern was the possibility of depressurized gas lines in the event large groups of customers were moved off of natural gas within the PUD’s service area. Also, the inclusion of wood could have resulted in interference with established woodstove changeout programs and left people without a secondary source of heat. NWHPBA testified and members signed in to oppose. **THE BILL DIED ON THE HOUSE FLOOR**

HB 1766 – The “Clean Heat” bill: This bill would have effectively led to the destruction of the natural gas infrastructure in Washington state. It required natural gas utilities to migrate customers away from gas appliances and prohibited any new natural gas infrastructure outside of existing service areas. NWHPBA also testified against this bill and members provided support in the hearing. This bill died in committee.

SB 5722 – Clean Buildings Performance Standards: This bill takes an existing program requiring the Department of Commerce to adopt energy management and benchmarking requirements for buildings over 50,000 sq ft and lowers that to 20,000 sq ft. Utilities are authorized to provide incentive payments to help business owners meet earlier energy management requirements. This bill was mostly worked on by building owners groups and NWHPBA provided back up support. The bill has been modified so most organizations are now neutral.

...But There Is More Work to Be Done...

There is one bill left for us to focus on stopping **ESHB 1770** would “strengthen” Washington State’s Energy Code by:

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- Requiring new buildings to be net-zero ready, requires all homes to be solar ready, adds greenhouse gas emissions reductions to the energy efficiency goals. Moves up the date that energy efficiency and greenhouse gas emission 70% reduction to 2031.
- Requires each city, town, and county to enforce the Washington State energy code for residential buildings or adopt a new statewide residential reach code.
- Requires the State Building Code Council to adopt a statewide residential reach code.

NWHPBA testified and members amped up grassroots phone calls and sign ins at both the committee and the floor level but the bill continued to move and passed the House on a narrow 51-47 vote.

The bill had a very fast hearing in the Senate Environment, Energy and Technology Committee today (February 17) which means there might be some momentum to move the bill through the Senate. Thanks to all the NWHPA members who signed in to oppose this bill. We had over 700 signing in CON compared to 400 signing in PRO. Your NWHPBA lobbyist joined in a long list of people testifying against this bill.

WATCH FOR MORE GRASSROOTS CALLS TO ACTION! WE NEED THE SENATE TO STOP THIS BILL!

Good Hydrogen Bill Advances

In an attempt to be proactive, NWHPBA has been working to move SSB 5910, a bill that would create an “Office of Renewable Fuels” and would provide more direction and work to advance the use of hydrogen in the state, particularly to replace natural gas or to blend with existing infrastructure. This is a good bill to counter balance the “ban natural gas” movement because it clearly works to try and utilize the existing infrastructure to work on replacing rather than banning. For NWHPBA, it of course would mean the need to explore products that would utilize hydrogen, but it is more clearly a pathway of change, not elimination. This bill passed the Senate 49-0 and has a hearing in the House Committee on February 22nd.

Bad Ergonomics Bill Passes: The House passed HB 1837, a bill that would repeal the prohibition against L&I doing an ergonomics rule. This prohibition was put in place with the passage of Initiative 841 in 2003 which was the result of several years of battles regarding onerous and confusing repetitive motion standards for industry that arbitrarily limited the number of hours or times employees could sit, stand, lift, turn their heads, be on their knees, move their arms past a certain angle, hold their arms over their heads, and numerous other activities that are necessary to accomplish many tasks and jobs. These rules were estimated to cost the business community \$725 million. For the past 20 years, L&I instead has had to work more proactively with businesses to help them reduce ergonomics injuries utilizing technical assistance and more realistic individualized instruction. Ergonomics injuries related to work are already covered under workers compensation insurance and L&I can cite employers under existing safety standards. Business is unilaterally OPPOSED to this bill because it would allow these egregious standards to be put back into place and believes they are unnecessary. Ergonomics injuries, according to the department, have been declining over the past 15 years. HB 1837 was brought up on Valentine’s Day around 8:30 or 9 p.m. and the debated ended with a 50-48 vote around 6:30 a.m. on February 15th. Republicans in the House put up a valiant all night fight to defeat this bill and in the end it barely passed.

Transportation Update: SB 5974 –Move Ahead Washington, the new transportation package – leapfrogged the Ways and Means Committee and the Rules Committee yesterday to move directly to the Senate Floor. The bill was then brought up as the “5 p.m. bill” on cut off day -- a time usually reserved for

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a bill that would be subject to the cut off date. Transportation packages are not subject to cut off so that was strange to us old timers. It eventually passed 29-20 – a totally partisan vote. None of the Republican amendments were accepted. Senator Das did get an amendment passed that eliminates telephone businesses from the 2 percent optional local utility tax – but other than that, no other changes were made to the funding mechanisms in the bill. The House version – HB 2119 has a hearing today in House Transportation.

Governor's Executive Powers: The Senate also advanced SB 5909, the bill that would allow the majority and minority leaders of the Senate and the speaker and minority leader of the House of Representatives – outside of the legislative session -- to end a state of emergency in writing—by all four members—if it has been more than 90 days since the Governor declared the state of emergency. It would also allow legislative leaders from both parties to terminate specific gubernatorial orders that would prohibit activities. This bill also passed 29-20 but one R voted for and 1 D voted against.

State Has A LOT OF Money

The recent Washington State Revenue forecast indicates that the state coffers are pulling almost \$2 billion more than expected, ensuring an almost \$11 billion surplus over the next four years. Much of this additional money is being driven by inflation because of our dependence on sales tax.

The Supplemental Operating Budget will be out early the week of February 21st. It will be interesting to see how much money is left in reserve. Some legislators are starting to talk about sales or property tax reductions.

Below is the tracking list of bills that are still moving through the Legislature. You can click on the bill number to read details about the bill.

High Priority Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
E2SHB 1099	Comprehensive planning	Improving the state's climate response through updates to the state's comprehensive planning framework.	S RecComm	Duerr	Oppose
SHB 1623	Power supply inadequacy	Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.	S Environment, En	Mosbrucker	Support
ESHB 1770 (SB 5669)	Energy codes	Strengthening energy codes.	S Environment, En	Duerr	Oppose
HB 1781 (SB 5651)	Capital budget, supplemental	Concerning the capital budget.	H Cap Budget	Tharinger	
SHB 1792	Hydrogen	Expanding the production, distribution, and use of hydrogen not produced from a fossil fuel feedstock.	H FINDPS	Ramel	Support

EHB 1837	Musculoskeletal injuries	Restoring the state's ability to regulate work-related (ergonomics) musculoskeletal injuries.	S Labor, Comm & T	Bronoske	Oppose
SB 5651 (HB 1781)	Capital budget, supplemental	Concerning the capital budget.	S Ways & Means	Frockt	
SB 5909	Gubernatorial emerg. powers	Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts.	H State Govt & Tr	Randall	Support
SSB 5910	Hydrogen	Accelerating the availability and use of renewable hydrogen in Washington state.	H Env & Energy	Carlyle	Support

Medium Priority Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
E2SHB 1015	Equitable access to credit	Creating the Washington equitable access to credit act.	S Business, Finan	Maycumber	Support
E2SHB 1117	Comp. planning/salmon	Promoting salmon recovery through revisions to the state's comprehensive planning framework.	S Housing & Local	Lekanoff	Concerns
ESHB 1795	Nondisclosure/illegal acts	Prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault.	S Labor, Comm & T	Berry	Concerns
SSB 5564	Employee assistance programs	Protecting the confidentiality of employees using employee assistance programs.	H Labor & Workpla	Keiser	Concerns
ESSB 5599	Journey level electricians	Concerning journey level electrician certifications of competency.	H Labor & Workpla	Saldaña	Neutral
SSB 5722 (HB 1774)	Greenhouse gases/buildings	Reducing greenhouse gas emissions in buildings.	H Env & Energy	Nguyen	Neutral
ESSB 5761	Wage and salary information	Concerning employer requirements for providing wage and salary information to applicants for employment.	H Labor & Workpla	Randall	Oppose
SSB 5783	Underground economy	Reestablishing the underground economy task force.	H Labor & Workpla	Conway	Neutral
ESSB 5873 (HB 2031)	Unemployment insurance	Concerning unemployment insurance, family leave, and medical leave premiums.	H Labor & Workpla	Keiser	Support